

1 THE MAYOR'S MUNICIPAL AND CITY COURT REVIEW PANEL

2 OFFICE OF THE MAYOR
3 ADMINISTRATIVE ORDER 2002-10

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Panel Members: Byron Attridge, Esq. Chair
7 Teresa Roseborough, Esq.
Thomas Sampson, Esq.
8 Ted Baggett, Esq.
Mark Kadish, Esq.
9 Paula Fredricks, Esq. (Not present)

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11

February 6, 2003

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2:00 p.m.

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133 Peachtree Street
15 Atlanta, Georgia

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17 Renda K. Cornick, CCR-B-909, RPR

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1 IDENTIFIED SPEAKERS

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3 Christopher Newman

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7 Judge Deborah Greene

8 (with assistace by Mrs. Paula Ables)

9 170 Garnett Street, S.W.

10 Atlanta, Georgia 30303

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12 Judge Howard Johnson

13 170 Garnett Street, S.W.

14 Atlanta, Georgia 30303

15

16 R. Gary Spencer, Esq.

17 2060 The Equitable

18 100 Peachtree Street

19 Atlanta, Georgia 30303

20

21 Judge Calvin Graves

22 104 Trinity Avenue, S.W.

23 Atlanta, Georgia 30335

24

25

1 Robert Mason
2 St. Joseph's Mercy Care Services
3 424 Decatur Street
4 Atlanta, Georgia 30312
5
6 Dennis Scheib, Esq.
7 142 Mitchell Street
8 Atlanta, Georgia 30303
9
10 Richard Reinhard
11
12
13
14 Deputy Chief Carol Johnson, MARTA
15
16 Georgianne Thomas
17 170 Garnett Street, S.W.
18 Atlanta, Georgia 30303
19
20 Keena Eddington
21
22
23
24
25

1 Dr. Craig Burnette, OOH
2 Alanta Veterans Administration Medical Center
3 1670 Clairmont Avenue
4 Decatur, Georgia 30033
5
6 Ramona Ryan
7 170 Garnett Street, S.W.
8 Atlanta, Georgia 30303
9
10 Sharon Collins
11
12
13
14 Katherine Johnston
15 Georgia State University
16
17 Pearline Walker
18
19
20
21 C.T. Martin
22 Atlanta City Council
23
24 Louis Arcangeli
25

1 Lucy Hall
2 P.O. Box 501205
3 Atlanta, Georgia 31150
4 404-843-3800
5 Fax 404-497-9867
6 mhfh@mindspring.com
7
8 Mary V. Sloan, MPA
9 3050 Presidential Drive
10 Suite 202
11 Atlanta, Georgia 30340
12 770-234-0673
13 Fax 770-234-0237
14 msloan@nami.org
15
16 David Betts, Esq.
17 Suite 200
18 44 Broad Street
19 Atlanta, Georgia 30303
20
21 Judge William Riley
22 170 Garnett Street, S.W.
23 Atlanta, Georgia 30303
24
25

1 MR. ATTRIDGE: Welcome, folks. If you
2 have not, if you want to speak, you need to sign up
3 with Ms. Gerber here. It doesn't mean you can't
4 speak, we need to have some idea so we can reasonably
5 control it so that everybody that wants to speak will
6 have an opportunity. So sign up with her if you
7 haven't already.

8 I am going to let her read out the order
9 that people signed up. If you want to swap around,
10 that's okay.

11 MS. GERBER: Chris Newman. Deborah
12 Greene. William Riley. Howard Johnson. Gary
13 Spencer. Calvin Graves. Robert Mason. Dennis
14 Scheib. Rick Reinhard. David Wardell. Deputy Chief
15 Carol Johnson. And Ms. Thomas, I am not sure of the
16 first name. Then Craig Burnette. Gary Spencer.
17 Katherine Johnston. Ramona Ryan. Sharon Collins.
18 Pearline Walker. C.T. Martin and Lou Arcangeli.

19 MR. ATTRIDGE: Now, first let me just
20 welcome everybody here to this public hearing. We
21 are here for the purpose of finding out what the
22 public wishes to say about the City Courts, that is,
23 the Municipal Court and the City or Traffic Court of
24 Atlanta. And we want to let you speak at a
25 reasonable length. We are going to have a

1 four-minute timer over there. I pulled it off my
2 refrigerator this morning, my wife uses it to cook
3 whatever it is, but we are going to bring it to four
4 minutes. We are not going to be horribly strict but
5 when that buzzer rings, I would appreciate it if you
6 would finish up your point that you are making so the
7 next person can come in and have their say.

8 I want to introduce the panel now. I am
9 Byron Attridge and this is Teresa Roseborogh of the
10 firm of Sutherland, Asbill & Brennan. On her right
11 is Mark Kadish, professor at Georgia State,
12 practicing attorney and, as Time Magazine says, a
13 sometime pro hac judge in some of the courts.

14 By the way, I would like to stop here and
15 also introduce from Georgia State Lindsey Churchill
16 on the far right and Joanna Deering. They are both
17 students at Georgia State who are some of the people
18 that are helping us in this task. We thank Dean
19 Griffith for their cooperation. Georgia State is
20 very important to this city and the use of their
21 people is very, very helpful to us.

22 This is Ted Baggett from the Georgia
23 Municipal Association, former assistant prosecutor.
24 And Thomas Sampson, of Thompson, Kennedy, Sampson &
25 Patterson, who is a practicing attorney here in

1 Atlanta.

2 The only member that is not here today and
3 she is very sorry she could not be is Paula
4 Fredericks who is the deputy general counsel of the
5 State Bar. She had to go to the American Bar
6 Association meeting.

7 I also want to introduce the lady who is
8 my chief of staff, that is Leticia McDonald here on
9 our left and I think Civia Gerber is the one who is
10 signing you up for speaking. Jennifer Vala also is
11 accompanying us in this task and others.

12 I would like just one preliminary, that is
13 just to read from a couple of portions from the
14 Mayor's order setting up the panel.

15 Skip most of the whereases but there has
16 been no recent comprehensive review of the judicial
17 branch of the City of Atlanta and then it goes down,
18 I hereby establish an independent review panel to be
19 known as the Mayor's Municipal and City Court Review
20 Panel. And then on the third paragraph, Panel shall
21 advise the Mayor on the court system of the City of
22 Atlanta and whether the current system could be
23 revised in light of the goals of efficiency,
24 avoidance of duplication, focused on essential
25 services and cost savings to taxpayers. The order is

1 more full than this, but that is the substance.

2 We are frequently asked what is the focus
3 of our review of what this panel does and Paragraph 3
4 of that order states it. We have been in operation
5 essentially two months and we have been doing a great
6 deal of interviewing and reviewing of documents,
7 reviewing of matters that are submitted to us.

8 By the way, we are today pleased if you
9 wish to give us any written communications, we will
10 file them right there with Ms. Gerber, I would
11 appreciate it. You can be sure they will be read.

12 As you can see, the hearing is being
13 recorded and so we will have this for posterity.

14 Again, I prevail on your courtesy in
15 making your points within the four-minute time. That
16 will be helpful in allowing everybody to have their
17 say.

18 Any further comments from the panel?

19 Thank you. If the first speaker would
20 come forward, we would appreciate it.

21 MS. GERBER: Mr. Newman.

22 MR. NEWMAN: Members of the Board, good
23 afternoon. My name is Christopher Newman. I live at
24 354 Grant Street in Atlanta, 30312. I am here both
25 as a taxpayer, citizen in Fulton County and also

1 acting as president of the Grant Park Neighborhood
2 Association this year. My association represents
3 about 1500 residents in Grant Park, but I won't ask
4 to speak for all 1500 of them today. I will keep my
5 comments to about four minutes.

6 For about the last five years I have been
7 involved together with a number of my fellow citizens
8 in Grant Park in swimming through the quicksand that
9 we call the Fulton County injustice system. It is a
10 system that we have learned is filled with
11 inefficiencies, all the acronyms, ACIC, CJIS, GCIC,
12 et cetera, et cetera. We have found so many problems
13 in Fulton County. One of the bright points that we
14 have learned is through the City of Atlanta, the
15 Municipal Court, the community court. It is a point
16 at which we can intervene initially.

17 We have found as citizens in Grant
18 Park we suffer primarily quality-of-life crimes,
19 crimes that would be very similar to the downtown
20 community. What we have found through the Municipal
21 Court is some sense of reparation, some sense of
22 restoration to our community. Our Municipal Court
23 judges have been most cooperative in sending their
24 community service probationers to Grant Park. The
25 park itself has about 3 million visitors per year.

1 It needs a lot of work. I cannot tell you how many
2 hundreds of manhours of work has been given by
3 community service probationers in that park. The
4 citizens and the City of Atlanta really should
5 appreciate the amount of work that is done through
6 reparation and the judges and the community court are
7 primarily responsible for that.

8 To deal with Fulton County is a very
9 difficult procedure for us through their probation
10 department. So in summary, I would have to say the
11 Municipal Court is the one court that is working. I
12 think we worked with a number of individuals who come
13 to our community to work on Saturday morning and they
14 leave at noon or 1:00 o'clock, finding out it is a
15 great place to be and they will actually bring their
16 family back to the community to visit the zoo or
17 Cyclorama. This is one area that is essential.

18 I am speaking now as a taxpayer. I do not
19 see any indication so far that the DA's office
20 through the complaint room will give us any
21 efficiency of service. In fact, what I read in the
22 newspaper -- that's where my sources are -- it could
23 even cost the county taxpayers even more money if the
24 complaint room cannot work efficiently. So I would
25 ask you that there be some sort of an indication from

1 your commission if this is the way we are going,
2 perhaps we can all agree in principle that there are
3 needs for efficiency of service. However, as a
4 taxpayer and representative of the Grant Park
5 community, I have not yet seen any indication from
6 the DA's office that there are efficiencies in the
7 delivery of service. In fact, we see many of our
8 police officers rather than dealing with some of the
9 inefficiencies in the complaint room are reducing
10 charges to city misdemeanor cases. This I don't
11 think is a good indication of justice in Fulton
12 County, City of Atlanta.

13 I will conclude my comments there. I
14 would ask that if there is perhaps a web site or
15 e-mail address that we be notified of that so we can
16 mail in our comments. I apologize, I don't have any
17 prepared remarks, I am speaking extemporaneously.

18 MR. ATTRIDGE: Tell me about your comments
19 about the complaint room. What is your problem
20 there?

21 MR. NEWMAN: I didn't realize I was going
22 to be cross-examined. I am in a room full of judges.

23 MR. ATTRIDGE: We are just trying to
24 learn.

25 MR. NEWMAN: As I understand it, when an

1 arrest is made, typically they would be booked into
2 the city jail. Now, I understand that if a police
3 officer has to escort a suspect from Grant Park, he
4 has to go to Rice Street to book him in, some of
5 these cases as I understand it from some of the
6 officers -- again, much of this anecdotal, I don't
7 want to put them on the hot seat.

8 MR. ATTRIDGE: I am on the hot seat.

9 MR. NEWMAN: Let's say it takes them four
10 hours to work through the process on Rice Street. If
11 the officer doesn't have a computer in the police
12 car, he has to go to the precinct, he has to type it
13 up there, the DA will not accept a handwritten
14 citation. If the police car does not have a
15 computer, many of them don't, he will have to go into
16 the precinct, sit with the suspect, type up, wait in
17 line for a computer at the precincts while the other
18 officers are typing up their reports.

19 So to us, the officer is saying, I would
20 rather be out on the street in my community. So I am
21 going to look the other way perhaps sometimes where a
22 lower level crime is being committed simply because I
23 am not going to take four hours out of my day to
24 prosecute one simple, let's say a misdemeanor or
25 state charge.

1 Again, this is anecdotal.

2 MR. ATTRIDGE: Most of your information
3 comes from police officers?

4 MR. NEWMAN: Yes, sir. They work very
5 closely with our community. We work with the police
6 officers in Grant Park in Zone 3. Through the
7 Municipal Court, this is the first step where we can
8 intervene, we can get information about the suspect.
9 It gives us an opportunity to begin to work with the
10 judges at the Municipal Court level, perhaps a charge
11 can be reduced to a city ordinance violation level.
12 In some cases that's the best way to handle it. To
13 take every case to the state level, district
14 attorney, appears to us to be a most inefficient way
15 of handling it.

16 I would like to see the district
17 attorney's statements showing he has made some
18 efficiency of scale by his complaint room, again, in
19 principle perhaps we would agree with that.

20 I know I have taken a lot of your time.

21 Do I need counsel?

22 MR. ATTRIDGE: If you have written
23 comments --

24 MR. NEWMAN: That's why I am asking about
25 a web site or e-mail address.

1 MR. ATTRIDGE: She will give it to you.

2 MR. NEWMAN: Thank you to the panel.

3 MR. ATTRIDGE: Thank you, Mr. Newman.

4 I appreciate it.

5 MR. ATTRIDGE: Judge.

6 JUDGE GREENE: Good afternoon, panel. My
7 name is Deborah Greene and I am a judge with the
8 Municipal Court of Atlanta. I have prepared a few
9 remarks for this panel's consideration and I will
10 submit a written copy of them for your review.

11 I believe that the beauty of the Atlanta
12 Municipal Court has historically been that regardless
13 of why someone was arrested in the city limits of
14 Atlanta, if that arrest occurred in the city limits,
15 they are brought before a judge within the next day
16 or the next day's calendar. The court, our court,
17 has been divided into two sessions with numerous
18 court times to accommodate the three shifts of the
19 police department.

20 The police subpoena witnesses, they are
21 given notice to appear on the first appearance when
22 these folks are arrested and officers are in
23 attendance if it is not their day off. The
24 importance of this is that each case can be screened
25 immediately with witnesses present to determine the

1 earliest possible resolution at the lowest possible
2 level.

3 Last year the Municipal Court disposed of
4 about 21 percent of felony charges and we disposed of
5 over 75 percent of misdemeanor charges from the city
6 limits. For those charges that were not resolved,
7 the average stay by an inmate in the city jail
8 between arrest and bind over was five days.

9 Immediate judicial screening is important
10 for many reasons. In addition to being able to
11 handle criminal cases at the lowest possible level,
12 it is more appropriate in many cases that there be
13 intervention rather than prosecution. Quick, often
14 next day intervention while all the parties involved
15 are at court is not unusual for the Atlanta Municipal
16 Court.

17 Chief Judge Judith Kaye of New York could
18 easily have been describing Atlanta when she was
19 quoted as saying, We have witnessed the breakdown of
20 the family and of other traditional safety nets. So
21 what we are seeing in the courts is many, many more
22 substance abuse cases. We have a huge number of
23 domestic violence cases. We have many, many more
24 quality-of-life crimes. And it is not just the
25 subject of the cases that is different; we get a lot

1 of repeat business. We are recycling the same people
2 through the system and things get worse. We know
3 from experience that a drug possession or an assault
4 today could be something considerably worse tomorrow.
5 And whereas traditional court processes are designed
6 to make specific decisions, they are not designed to
7 address the underlying social and psychological
8 problems that lead these cases to court.

9 The Municipal Court of Atlanta has stepped
10 forward to address these underlying problems. We
11 have dedicated court calendars to domestic violence
12 cases, to quality-of-life cases, environmental cases,
13 housing court cases as well as a regular criminal
14 caseload. And this is in order to utilize -- we
15 utilize specific support staff and agencies to
16 address underlying causes of crime such as addiction,
17 mental health among others. With early intervention,
18 many cases can be resolved prior to conviction,
19 diverted so to speak, allowing many defendants the
20 ability to resume a better life without the stigma of
21 a criminal record.

22 The landscape of the future of Atlanta
23 Municipal Court is not clear yet; however, with the
24 elimination of State offenses, the ability of
25 resolving cases at the municipal level has been

1 greatly impacted. There are a number of options that
2 can and should be considered in the ensuing months
3 after we know what the pattern of cases will be not
4 only for Atlanta Municipal Courts, for the Fulton
5 County courts. The resulting elimination of state
6 cases does give the court more time to adequately
7 handle the remaining Municipal Court cases. I would
8 suggest it is important for the City of Atlanta and
9 its neighborhoods and its businesses that the
10 Municipal Court be in a position to continue its work
11 in a number of ways.

12 One way is that Atlanta should have an
13 interest in the quality-of-life cases, including many
14 city ordinances and even including state misdemeanor
15 offenses. We are anticipating an increased number of
16 these cases not only from the Atlanta Police
17 Department but from other police agencies. Two, all
18 of our housing court cases, commercial and business
19 code cases, building permit cases are essential in
20 maintaining safety in our community. We understand
21 that there are plans to triple the number of housing
22 code enforcement officers to work on a 10,000 case
23 backlog as well as any new citations in the housing
24 department. This, of course, will necessitate more
25 court sessions dedicated to housing code issues.

1 Currently the Office of the U.S. Attorney
2 as we understand is funding positions in the City
3 Solicitor's office for Project Safe Neighborhood.
4 This project will be focusing on quality-of-life and
5 housing issues in the Vine City, English Avenue area.
6 The resulting cases will need a viable court.

7 We need to maintain environmental court
8 sessions to accommodate our grease traps, tree
9 ordinances, noise abatement issues.

10 Additionally, the Mayor's new Trash
11 Troopers program is another example of potential
12 increase in municipal violations that will have to be
13 addressed.

14 Since this panel is trying to look at the
15 complete system, I would like to suggest that the
16 Municipal Court's jurisdiction be expanded. We have
17 proposed in our budget for the past few years that
18 the City Council exercise its authority to allow the
19 court to handle collection fees for the city. This
20 civil jurisdiction will allow the court to handle a
21 variety of fees that are not currently being
22 effectively collected, for example, you have your
23 false fire alarm fees, false police alarm fees,
24 business license fee issues.

25 As to the efficiency of the courts in the

1 City of Atlanta, there is certainly room for
2 combination and/or streamlining in light of the new
3 system changes. What is important for this committee
4 to do is to not disregard the innovative and
5 progressive measures that the Municipal Court already
6 have in place that have proven effective in solving
7 problems as opposed to warehousing people.

8 I want to thank you for your time and your
9 consideration.

10 MR. ATTRIDGE: Thank you, Judge.

11 MR. KADISH: Is your court planning to do
12 a self-study or self-review of where you are? Is
13 there a mechanism in place for that now?

14 JUDGE GREENE: We have already been doing
15 it. As judges, we have been meeting every Thursday,
16 we usually typically meet once a month, but we have
17 certainly looked inward with regards to judicial
18 review and how our court can step forward and be a
19 part of the process of streamlining government. But
20 also in addition to streamlining it, to still be able
21 to effectively give the type of services we believe
22 we are to provide.

23 MR. KADISH: You are going to be looking
24 at a strategic plan for the court over some periods
25 of years in the future once you have seen the impact

1 of the Mayor's change?

2 JUDGE GREENE: We have actually as a
3 court, we asked -- and I remember this now -- we
4 asked the center for the -- the National Center for
5 the State Court for a review, an independent review
6 of our court. We asked for them just about the time,
7 I don't know if it was right before or right after
8 the Mayor made the -- but we voluntarily said, please
9 come and talk to us, look at us, see our operations.

10 MR. KADISH: So are you waiting for that?

11 JUDGE GREENE: I think there is a funding
12 problem with the National Center.

13 They have resolved it and they are going
14 to do it. Apparently they are going to step forward.
15 We thought there was a funding problem.

16 MR. KADISH: One last question, that is it
17 sounds as though, I don't know if you said, that if
18 your court did not have felony jurisdiction
19 forevermore, just didn't have it, that there is still
20 from your perspective plenty to do without having to
21 worry about felony jurisdiction or maybe even
22 misdemeanor jurisdiction, just from ordinance
23 violations alone from your housing court and
24 environmental cases and other things you might do,
25 there would be plenty to keep you busy.

1 JUDGE GREENE: I believe so. The success
2 that we have seen -- I will let Judge Riley respond
3 to the community court -- but the success we have
4 seen, with regard to the lack of recidivism rate, we
5 are talking about, you know, of course, what our
6 court looks like may be affected soon, but what we
7 have talked about is increasing the environmental
8 court and the housing court sessions in order to
9 accommodate the kind of caseload backlog we are
10 anticipating.

11 We hear the same sort of complaints from
12 the police about the time that it is taking them to
13 book cases in with Fulton County and that of course
14 this is just word of mouth from police officers, that
15 if we can book something in as a city ordinance
16 violation, they will. We don't really know how that

17 landscape will look are they going to be booking in
18 felony charges as disorderly conduct charges or not.
19 But irregardless of felony jurisdiction, yes, I
20 believe that we have a lot that we can do to not only
21 increase the effectiveness, but also -- and we can
22 manage the numbers better and with regards to any
23 civil jurisdiction we can certainly step forward for
24 the City in the way of collection issues.

25 MR. SAMPSON: Judge Greene, I don't want

1 to put you on the spot, but I did want to ask one
2 question.

3 JUDGE GREENE: I am here, I volunteered, I
4 put myself here.

5 MR. SAMPSON: On the question of
6 efficiency, does your paper or do you at this point
7 in time have any thoughts about streamlining process
8 that you spoke of and how to increase efficiency
9 within your court?

10 JUDGE GREENE: There have been a number of
11 discussions among the judges about the possibility of
12 combining the two courts, the Municipal Court and the
13 City Court where that would be with regards to
14 combining staff issues, building issues, maintenance,
15 building maintenance issues and there are questions
16 out there about what would it take legally, what
17 would it take during the legislative area and what
18 would it take for us. And, you know, you have been
19 asked to be an independent panel and we are waiting
20 for your ideas and I think that I can speak for our
21 court that we certainly are willing, prepared to step
22 up to the plate and do what needs to be done.

23 We feel like we are giving good service.
24 We feel like we are giving an effective service and
25 we feel like we are giving an efficient service,

1 particularly time wise. But our caseload has been
2 diminished and so at this point we have got more
3 opportunities to develop more community courts, more
4 housing court sessions, to deal with backlogs and to
5 be more efficient that way.

6 MR. SAMPSON: To what extent has your
7 caseload been diminished, approximately?

8 JUDGE GREENE: I don't know those figures.
9 I will defer to the Clerk of the Court for that.
10 Typically January, December and January are down
11 months historically with the court. We are just now
12 coming out of January. I do know that not only is
13 our caseload diminished because we are not getting
14 state offenses, but I am hearing that Fulton County
15 caseload has diminished as well. I don't believe
16 that crime has suddenly been cured. So I don't know
17 what has happened there. But yes, it has been
18 diminished; what the figures are, I don't know.

19 MR. BAGGETT: Your Honor, I was wondering
20 whether the things you are talking about, the
21 domestic violence and those cases coming first, how
22 would you respond to the critics that might say the
23 General Assembly has made family violence better with
24 repeat offenses, felonies, that there's a potential
25 for those cases going first to Municipal Court to be

1 turned into ordinance violations when really while in
2 most states you go first to Superior Court, DA's
3 office, if there is not sufficient evidence or
4 egregiousness to justify felony it is transferred to
5 State Court where it is made a misdemeanor, then if
6 there is not sufficient evidence for a misdemeanor,
7 it goes down to a Municipal Court level for ordinance
8 consideration.

9 I just wondered, is there a danger that
10 the intent of the General Assembly is being thwarted
11 by having cases going to Municipal Court first?

12 JUDGE GREENE: I don't believe we are
13 doing anything in Atlanta that is being done
14 differently than any other area of Georgia, that all
15 of the -- my understanding of criminal procedure is
16 that in Georgia, when a case is made, an arrest is
17 made, if it is made within the city limits of a city,
18 it goes to that Recorder's Court, Municipal Court,
19 Mayor's Court, whatever you call it, first, then for
20 there to be a hearing as to whether there is probable
21 cause for that person to stand trial on a state
22 offense.

23 If it happens in the unincorporated areas
24 in the state of Georgia, it goes to a Magistrate's
25 Court where first it is determined whether or not

1 there is probable cause for that case to be bound
2 over for trial, and only after a preliminary hearing
3 does it then go to the district attorney's office.
4 So what we are doing is not thwarting anything that
5 the legislature has done, we are following what has
6 heretofore been the standard practice of criminal
7 justice in the state of Georgia, that you go to the
8 court of the jurisdiction where the person was
9 arrested, they are held for probable cause hearing by
10 a lower court level, before it is bound over and goes
11 then to a district attorney.

12 MR. BAGGETT: Just to follow up --

13 JUDGE GREENE: Let me just say to you, a
14 lot of those cases in our court, our policy has been
15 that if the party, if the victim wants to prosecute,
16 to be there supportive of that person, we have the
17 Victim/Witness Assistance Program that works in our
18 court all the time. They are in every one of our
19 courts at the pick up of a phone. They have offices
20 in our court and they come and they support any
21 victim of a domestic violence case.

22 If that case is an appropriate case for
23 prosecution, then the solicitor who works our court
24 pushes that case to be prosecuted and that is
25 perfectly fine with us. More often than not as you

1 probably know of domestic violence cases you have
2 children involved, they are still married, they want
3 to maintain the relationship; and we have two courts,
4 three courts, actually, that are dedicated to hooking
5 into the family, finding out is it a substance abuse
6 problem, is it a financial problem, is it an anger
7 management problem; and we have the resources that we
8 refer out to try to solve the problem so that this
9 doesn't happen again. And it is only on those cases
10 that the victim does not wish to pursue it criminally
11 but wants the batterer to be under some kind of gun
12 or some kind of restriction so that they need to get
13 the help they need to get and they go get the help.
14 That's what we do and we have done and we can
15 continue to do.

16 MR. BAGGETT: I guess, I want you to
17 correct me where I am wrong, don't misunderstand, in
18 my limited experience, if a city police officer made
19 an arrest in domestic violence, even in the city
20 limits, he would charge it under the highest, most
21 serious statute then go to Magistrate Court, even if
22 with a county Magistrate Court for preliminary
23 hearings and whatnot, then would get sent to the DA's
24 office. What I hear you saying, you think that in
25 most of the states that preliminary function is at

1 the Municipal Court level. But wherever it goes, not
2 doing anything differently, you are serving that
3 function, whether it be a Magistrate function or
4 Municipal Court function of a preliminary hearing and
5 then it goes where it's appropriate; is that correct?

6 JUDGE GREENE: Yes and no. If a city
7 police officer made a domestic violence case as a
8 city ordinance violation, it must go to the City
9 Court. The Fulton County Magistrate's Court would
10 not have the jurisdiction to handle a city ordinance
11 violation from the City of Atlanta. So for that
12 police officer to take it to the Magistrate's Court,
13 right now it would have to be a state offense. If it
14 was a state offense or misdemeanor or felony before
15 January 6th, it would have come to our court and then
16 it would either have been handled as a counseling
17 type of community court with the family violence
18 component in it or it would have been a preliminary
19 hearing and bind over to the state court for
20 prosecution.

21 MR. BAGGETT: Now if they charge it is a
22 state offense, it is not coming to City of Atlanta.

23 JUDGE GREENE: That's right. If they
24 charge it as a state offense, it will not come to us.

25 MR. ATTRIDGE: Judge, you got to realize

1 lawyers don't get to ask judges questions.

2 JUDGE GREENE: Hasn't it been four
3 minutes?

4 MR. ATTRIDGE: We are taking a little
5 longer. Thank you.

6 JUDGE GREENE: I am glad to. Now I know
7 why Judge Riley wanted me to go first.

8 MS. ROSEBOROUGH: Thank you, Your Honor.
9 Again, I apologize for imposing on you. You are
10 first up. It gives us the opportunity to ask a
11 couple of questions. I was pleased to hear what you
12 said about commissioning a study from the National
13 Center for the State Court. Have they given you any
14 time frame to expect results of their study?

15 JUDGE GREENE: Last I knew, I thought we
16 were messed up with the fee, their budget restraints,
17 now that I know they are willing to do it, have they
18 talked about when?

19 MRS. ABLES: We have identified funds.

20 JUDGE GREENE: Oh, we have identified
21 funds out of our budget. We have apparently offered
22 to pay what they need to come to then study us.

23 MS. ROSEBOROUGH: It might be helpful if
24 anyone can provide us with the scope of study that is
25 intended, that would be helpful.

1 JUDGE GREENE: Okay. We will certainly do
2 that.

3 MS. ROSEBOROUGH: In that same framework,
4 the study that was done in 2000, was that something
5 that the Court found helpful and were there specific
6 changes that were made to the Court and its operation
7 as a result of the study? Never mind.

8 JUDGE GREENE: We get them mixed up, too.

9 MR. ATTRIDGE: If you could just give us a
10 copy of whatever, the focus of that study.

11 JUDGE GREENE: I am going to leave my
12 meager remarks.

13 MR. ATTRIDGE: Just a follow up on what
14 the National Center says, tell us who you contacted,
15 what the scope is, you see, that would help us to
16 know what is coming. Thank you a lot.

17 JUDGE GREENE: Thank you.

18 MR. SAMPSON: Thank you.

19 JUDGE GREENE: I believe it is Judge
20 Riley.

21 JUDGE RILEY: If I can hold my remarks, a
22 number of my remarks go along with what other persons
23 in the audience have to say. If I can hold to the
24 end of the session.

25 MR. ATTRIDGE: Thank you, Judge.

1 MS. GERBER: Mr. Johnson.

2 JUDGE JOHNSON: My name is Howard
3 Johnson. I am a judge at the Atlanta Municipal
4 Court. I have 28 years in that court system, most of
5 it as a judge. I first came to the court as a public
6 defender, first public defender in the City of
7 Atlanta and the State of Georgia. I made a personal
8 commitment to the citizens of Atlanta to do the right
9 thing at the time I came on. And my mission was to
10 improve the then sorry state of Municipal Court for
11 the City of Atlanta and things have improved through
12 the years, slowly at first but steadily to the point
13 where I think the Atlanta Municipal Court is the
14 exemplary court, Municipal Court for the State of
15 Georgia. This has been verified by the number of
16 awards and citations we have gotten.

17 This committee has been asked by the Mayor
18 to advise her as to whether the current system can be
19 revised in light of the goals of efficiency,
20 avoidance of duplications to focus on central
21 services and all services.

22 Due to the recent political decision and I
23 feel undocumented assumption that there is no current
24 system in the Municipal Court of Atlanta, it is gone.
25 Everything now is in a state of extreme flux.

1 Nothing is clear, caseloads are up and down, severe
2 increases, low or no arrests, confusion. There
3 simply is no current system with enough form or
4 substance to identify and evaluate. For this reason,
5 I will talk not about the past, certainly not about
6 the present but what can be.

7 The world of law enforcement and the
8 courts is full of agendas, the judges have agendas,
9 the DAs have agendas, the defense bar has agendas,
10 police have agendas, the City Council and Mayor also
11 have their agendas. This in and of itself is no sin.
12 Some people even say this esteemed committee is
13 itself part of an agenda, predisposed to finding
14 consistent with one or more of the agendas of the
15 aforementioned interest groups.

16 Now, I personally do not believe this is
17 so. Knowing the Mayor and the mentor of the
18 commission, either personally or by reputation, I
19 believe that your findings will be independent,
20 unbiased but most of all relevant to the new reality.
21 But the whisper is out there, especially given the
22 duplicitous nature of the enabling power that has
23 finally given the Mayor authority to study and
24 perhaps change the functionings of a branch of
25 government, one that asks the same question, can all

1 the same standards be extended to City Council.

2 Examinations are good as a whole. I thank
3 you for participating in the report. It is my belief
4 that there are unrealized efficiencies to be found in
5 the Municipal and City Court of Atlanta. But that
6 will require a little out-of-the-box thinking.

7 Efficiency is best realized when the
8 artificial pigeon holes of city, county and state
9 government are dropped and the system crafts to meet
10 the needs for geographical rather than political
11 matters. We need a unified system that addresses the
12 concerns of taxpayers, victims, accused, police,
13 lawyers and last but not least judges in the Atlanta
14 slash Fulton County slash DeKalb County region.

15 This system must be, No. 1, fair, by that
16 I mean all constitutional guarantees in place and
17 effective; No. 2, it must be fast; No. 3, it must be
18 firm; No. 4, it must be fiscally responsible.

19 This process should be as much as possible
20 a one-stop operation. Arrestees should be brought to
21 the nearest jail and taken to the nearest judge where
22 they are read their rights, put in contact with the
23 nearest lawyers, have their hearing and/or trial at
24 the same facility without all the unnecessary
25 shifting of a lot of bodies, witnesses and paperwork

1 all over town.

2 This operation would, as I said before,
3 require a unified system. That is where the
4 efficiencies are to be harvested. Reduction in
5 administration, physical plant, transportation,
6 personnel are immediately realized.

7 I would recommend that a joint Atlanta
8 Municipal Court, Atlanta City Court, with certain
9 elements of the Fulton County State Court be
10 instituted. The jurisdiction of this court would be
11 the court of first instance on all criminal and
12 traffic violations that occur in the City of Atlanta
13 in addition to its present housing, animal control,
14 license cases. This court will have the ability to
15 try all traffic, city ordinance and state
16 misdemeanors, provide preliminary hearings on felony
17 matters.

18 I would also have a fully functioning
19 domestic violence division, a fully functioning
20 quality-of-life crimes division along with capacity
21 for a good, therapeutic approach to sentencing and
22 punishment to address the root causes of the crime,
23 thereby keeping the recidivism rate low and not have
24 the revolving door process as we all well know.

25 The efficiencies are there, we just have

1 to take the power to do it. I thank you.

2 MR. ATTRIDGE: Thank you, Judge.

3 Let me ask you one question. You had
4 articulated a unified system. I want to be sure,
5 this would be the Municipal Court, the Traffic Court
6 and to some extent the State Court.

7 JUDGE JOHNSON: Yes. I would venture all
8 those arrests that are made in Fulton County in the
9 City of Atlanta would come to this particular court;
10 all other arrests in Fulton County made in other
11 municipalities would go to the system that they are
12 going to now.

13 MR. ATTRIDGE: Thank you very much.

14 MR. KADISH: I want to get it straight,
15 Judge. You are saying that this single court concept
16 would include felony cases from the City of Atlanta.

17 JUDGE JOHNSON: Right. We do preliminary
18 hearings on them like we used to, bind those cases
19 over. The efficiency in that is we can weed out
20 those bad cases at the earliest possible time.

21 MR. KADISH: What you are combining, then,
22 is the Traffic Court and your court, Municipal Court
23 into one court, leaving the Magistrate's Court of
24 Fulton County as it is for all other business.

25 JUDGE JOHNSON: Well, we would have the

1 ability to try misdemeanor cases also.

2 MR. KADISH: Concurrent trial?

3 JUDGE JOHNSON: Right.

4 MR. KADISH: And from the standpoint of
5 judicial officers to staff a court like that, what do
6 you envision? Do you envision there to be a study --

7 JUDGE JOHNSON: There are a number of
8 systems, pros and cons, on the ways to do this.

9 MR. KADISH: There would have to be some
10 study of that to see.

11 JUDGE JOHNSON: Right.

12 MR. KADISH: It could possibly reduce the
13 number of judicial officers or increase the number of
14 judicial officers, depending on how one --

15 JUDGE JOHNSON: Generally speaking when
16 you combine, you reduce. We don't know exactly when,
17 how, where the reduction comes but efficiencies are
18 to be had.

19 MR. KADISH: Thank you. Okay. Thank you.

20 MS. ROSEBOROUGH: Judge, you mentioned in
21 your program that the arresting officer would take
22 the offender to the closest facility. So do you
23 envision an increase in decentralization of judicial
24 function and additional facilities or just use of the
25 ones we have?

1 JUDGE JOHNSON: I think we have the
2 capacity to deal with the facilities we have without
3 building any facilities.

4 MR. SAMPSON: Judge Johnson, thank you.

5 Is there any model that you know of that
6 presently operates in a unified fashion you are
7 suggesting?

8 JUDGE JOHNSON: No. But I don't think
9 this is a difficult thing to do. It just takes the
10 political wheels to do so.

11 MR. ATTRIDGE: Thank you, Judge.

12 MR. BAGGETT: I have one question. Just
13 briefly. In your one system concept, why would it
14 help to have felony cases go to this court, why
15 couldn't those go to -- someone is charged with a
16 felony, why can't they go to Magistrate Court?

17 JUDGE JOHNSON: They can as long as it is
18 the nearest and fastest court available. Speed is
19 what I am talking about on that particular instance.
20 There is no reason why they can't go to two or three
21 separate courts, but the whole idea is to get the
22 officer in court and back on the street as soon as
23 possible.

24 MR. KADISH: One last thing, just
25 theoretically, theoretically, couldn't you take your

1 plan and kind of invert it and have the Magistrate's
2 Court of Fulton County take over that entire, those
3 entire functions that you said and make the Atlanta
4 Detention Center as it now exists a second county
5 jail in town for the processing of first appearance
6 cases so that everything would be under the county
7 umbrella and the City would supervise the needs of
8 the entire court function?

9 JUDGE JOHNSON: The problem I have with
10 that, I don't know if the City is willing to give up
11 that police power. I think they have direct interest
12 in policing their own streets. You would have to
13 seek input on that. Theoretically, yes.

14 MR. KADISH: Theoretically your argument
15 could be inverted.

16 JUDGE JOHNSON: Yes.

17 MR. ATTRIDGE: Thank you so much.

18 MR. SPENCER: Good afternoon. I am Gary
19 Spencer. I am here in several capacities. I am
20 presently the president of the Gate City Bar
21 Association, one of the largest African-American bar
22 associations in the Southeast. Our membership has a
23 diverse practice but like many lawyers around the
24 country, many of our practitioners are sole
25 practitioners who practice in the various courts

1 around metropolitan Atlanta.

2 I am also a sole practitioner with a
3 criminal practice and a small civil practice. I have
4 practiced criminal law for 15 years, ten of which
5 have been here; and I believe that the way we treat
6 our citizens that are accused of crimes certainly
7 says a lot about our society.

8 Finally I am here as a part-time Municipal
9 judge on the Municipal Court of Atlanta.

10 In my view, Municipal Court performs a
11 valuable service for the City of Atlanta. As for
12 many people, Municipal Court is the only court that
13 residents of Atlanta will ever attend. Many of their
14 problems or their accusations are small, some of them
15 are family problems, some of them are housing
16 problems; and many of their criminal problems are
17 minor in the sense that they are not felony but they
18 deal with serious societal issues such as alcoholism
19 and homelessness. In my view these are problems the
20 City must address.

21 The court has developed programs that make
22 the people who commit these crimes and ordinance
23 violations responsible for their actions. Because of
24 the programs that are housed in the court, they are
25 able to be handled quickly and efficiently. For

1 example, you have already heard a discussion about
2 the people who do community service in the various
3 parts of the city and you also heard about how the
4 domestic violence programs have been operating in the
5 City of Atlanta.

6 I would also say the domestic violence
7 programs in the City of Atlanta are doing a fabulous
8 job in terms of intervention. A lot of times you
9 have young couples who are arrested for domestic
10 violence, and what they really need are parenting
11 skills and skills how to get along with each other.
12 The programs of the Municipal Court are taking those
13 into account. Many of these programs if they were
14 in -- as they exist in Fulton County right now are
15 already overtaxed and in terms of efficiency, I don't
16 see where that is going to help.

17 I also believe the Municipal Court serves
18 a valuable process by adjudicating the cases before
19 they go elsewhere. This is a great service to the
20 Fulton County judicial system, despite what others --
21 in my view. I understand that people take an
22 opposite view as well. I believe that somewhere near
23 85 percent of all the cases that would normally come
24 through the City of Atlanta Court would go directly
25 to Fulton County, with the rest going to DeKalb.

1 So I believe the benefit to taxpayers in
2 maintaining the Municipal Court is substantial. As
3 both an Atlanta and Fulton County taxpayer, I prefer
4 to have the cases that can be weeded out and sorted
5 out more quickly. As a lawyer, Municipal Court is
6 where people find out about their cases through
7 preliminary hearings. Both sides, in fact, can
8 assess whether their cases are strong or weak and
9 whether or not those cases should be decided at a
10 lower level. If those cases need to go on, they go
11 on. If they don't, I think the Municipal Court is
12 doing a good job of making sure that intervention
13 that is supposed to occur occurs and the punishment
14 that is appropriate is meted out. I believe this is
15 a valuable function and a required function of
16 government.

17 I believe that government is never going
18 to be as efficient as business and it is not meant to
19 be. The question to me is whether the City of
20 Atlanta will continue to fulfill its duty of full
21 governments. I believe through Municipal Court, the
22 City fulfills this charge.

23 MR. ATTRIDGE: Thank you, Mr. Spencer.

24 MS. GERBER: Judge Graves.

25 JUDGE GRAVES: He's one of my colleagues.

1 My name is Calvin Graves. I am the Chief
2 Judge of the City Court of Atlanta. I would like to
3 thank the committee for having this hearing, Mr.
4 Chairman, distinguished members.

5 I really didn't have a prepared statement,
6 but I think I wanted to share a few things. The
7 dialog has made me think a little bit about something
8 that may be useful to share. For example, you
9 probably are already aware that the City Court of
10 Atlanta was built in 1956 under Mayor Hartsfield. It
11 is a very old facility. So we are very concerned
12 about the physical aspects of our facility; and we
13 are in the process, as you know, the City's in the
14 process of building us a new courthouse, and it is
15 much needed.

16 As relates to the study, as I have shared
17 with many of you on the committee and your staff
18 people, we in the City Court of Atlanta commenced a
19 self-study in 1996. Our court administrator is with
20 me and she helped me remember some of these dates.
21 1996 was the National Center for State Courts. I
22 don't think there is such thing as an accrediting
23 body for courts; but if there was such a thing, I
24 think the National Center would come pretty close to
25 that body.

1 I think I have shared with all of the
2 members and the ones that don't have copies, counsel,
3 we will be sure to get you a copy of it. That
4 process took approximately 18 months. It was very
5 intense. It was paid for by the citizens of Atlanta,
6 cost approximately \$150,000. It was very, very
7 intense. A team of approximately, I believe, some of
8 you looked at it, I think 12-member team came in over
9 an 18-month period. That was the study we initiated,
10 no one requested us to do it, there was no pressure
11 to do it. At the time the judges felt it was
12 appropriate to do. It would help us with our
13 operations and especially help us in the building we
14 felt we needed. We needed the evidence to support
15 that.

16 As a lot of you may also know, we are the
17 largest traffic court in the Southeast. We have
18 volume, we have the largest volume, one of the
19 largest courts in the nation. The larger cities like
20 LA and Chicago have several State Courts but the
21 largest single State Court -- I keep saying state
22 court, we are a City Court with State Court
23 jurisdiction. It is confusing to the judges and
24 lawyers a little bit.

25 In any event, that's pretty much -- now, I

1 think I also wanted to share with you they made
2 recommendations and we proceeded with those
3 recommendations and I was asking my court
4 administrator approximately how many of those
5 recommendations have we addressed, 92 percent of
6 those recommendations. I think I shared with the
7 committee that we are now in the process of a
8 top-to-bottom reorganization in the City Court and we
9 have been in dialog with the City Council and the
10 Mayor on that process. And that process is ongoing.

11 We feel as a court -- I feel, let me share
12 it this way, I think I sense the judges support me on
13 this -- that certainly courts should be open to
14 review, that we are not a body that should not be
15 reviewed, that we are a servant of the people like
16 the other branches of the government. So we welcome
17 review. We just want to be in a position to provide
18 you with the information you need and we wish you
19 well in your endeavor.

20 I will entertain any questions.

21 MR. KADISH: I have one. You heard the
22 suggestion by Judge Johnson that you could
23 theoretically combine the courts, and I think maybe,
24 I don't remember if Judge Greene mentioned that, too,
25 as a possibility. How do you feel about that?

1 JUDGE GRAVES: That's a slope I am not
2 ready -- road I am not ready to go down at this
3 point. I will share with you why. This body
4 consists of lawyers. We really have not looked at
5 that. We have had a very intense study of our
6 operation. I certainly agree with my colleague Judge
7 Johnson it is certainly worth looking at. We should
8 always be reviewing ourselves. I think I can fairly

9 say I am always for efficiency in court. It is
10 apparent that the national trend is to try to combine
11 efforts and try to cooperate. For that configuration
12 to take a configuration of a combined court or a
13 cooperative effort between the courts. I hasten to
14 suggest it should not be only limited to the City
15 Court or Municipal Court, the same remedy or
16 application could apply to Superior and State Court.
17 However, I acknowledge that today we are talking
18 about City and Municipal. But that's the trend
19 nationally. Taxpayers want the maximum service from
20 all of their agencies and courts should not be
21 sacrosanct or limited from that kind of review.
22 As attorneys you know that we are a
23 separate branch of government and how that impacts
24 what responsibilities we have. That doesn't mean we
25 shouldn't be subject to review.

1 MS. ROSEBOROUGH: Judge, thank you for
2 your comments about the study. It seemed very
3 comprehensive and very helpful. I appreciate your
4 comments about the percentage of the recommendations
5 that the Court has been able to implement. Is there
6 a report or a summary that we could be provided which
7 recommendations have been implemented, which
8 recommendations have been looked at by the court and
9 a determination has been made they are not
10 appropriate to implement and which ones that are out
11 there ready to be implemented upon availability of
12 resources to do so or perhaps waiting to move into
13 the new building so they can be done effectively.

14 JUDGE GRAVES: Good question. I think we
15 provided that. We met with your staff, I think they
16 have that in hand. After you have had an opportunity
17 to look at that, if we need to supplement, we will be
18 glad to do that. We provided that.

19 MR. ATTRIDGE: Thank you.

20 MS. GERBER: Mr. Mason.

21 MR. MASON: Good afternoon. Thanks for
22 the opportunity to be able to share some thoughts
23 with you.

24 My name is Robert Mason. I am the
25 director of Social Services for the St. Joseph's

1 Mercy Care Services. I am here as a provider of
2 services. If you are not familiar with it, just
3 briefly, let me tell you St. Joseph's Mercy Care
4 Services' primary mission is to --

5 MR. KADISH: I see some people are having
6 trouble hearing you. Speak directly into the
7 microphone.

8 MR. MASON: Thank you, sir.

9 St. Joseph's Mercy Care Services' primary
10 mission is to provide primary medical care services
11 to homeless persons generally who have twice the rate
12 of chronic disease as the rest of the population and
13 have great difficulty accessing primary medical
14 services. For many years our medical outreach
15 efforts have been known as Mercy Mobile. You may
16 have seen our help mobile downtown providing services
17 to the homeless and the working poor.

18 Unfortunately, a visit to the doctor is
19 not enough to give persons who are homeless hope for
20 a better life. That is why we have committed more
21 staff to helping our clients to public use services.
22 We feel our organization and the community must look
23 at the needs of the whole person if we are able to
24 provide a viable option to chronic homelessness.

25 I am here in support of the community

1 court and the work that it is doing and our
2 relationship with the community court. Our success
3 is dependent upon the relationship we developed over
4 the years to refer clients for services as well as
5 receive referrals.

6 This brings me really to why I am here.
7 For the past two years we have developed a wonderful
8 relationship with the community court, with one of
9 our outreach teams and our case managers. We have
10 outreach teams that traverse the streets of Atlanta
11 to interface with homeless folks and to link them to
12 needed services. I can't tell you of the many
13 clients we have linked to services as a result of
14 this relationship with the community court and with
15 other homeless service providers. The years of
16 planning it took to see the community court come into
17 being to meet a need that was not being met by Fulton
18 County will negatively impact the good work that has
19 been done and the work that we need to do.

20 In many ways the community court serves as
21 a gateway for homeless persons, for getting them into
22 treatments, into the treatment system. As you are
23 aware, many homeless men and women enter the court
24 system bringing their problems with them. They can't
25 be addressed merely by incarceration, such as mental

1 illness, substance abuse, HIV, and AIDS. The
2 relationship we have with the community court allows
3 the outreach team and case managers to make the
4 connection for persons who are released directly from
5 the court and enter into the mental health system and
6 substance abuse services.

7 I have often heard Judge Riley say that
8 many times many people in his court are there for
9 doing dumb things, such as peeing on the street.
10 These are usually homeless men who have a mental
11 illness and who have not taken their medication. His
12 idea is if we get them into treatment, get them on
13 their medication, and monitor them in a way that not
14 taking the medication would lead them to serving jail
15 time, that would force them to comply with treatment,
16 thus beginning the way to recovery and
17 self-sufficiency. It is the spirit of this thinking
18 that is beginning to make a difference in the lives
19 of those we serve.

20 Let me just sort of conclude by saying a
21 word or two about community court. I worship on
22 Sunday mornings in the city of Atlanta at Big Bethel
23 AME Church, on the corner of Butler and Auburn, Jesse
24 Hill Drive and Auburn Avenue. One of the benefits of
25 the community court on community service workers has

1 been they clean the streets in that area. You know
2 Auburn Avenue, we are all familiar with Auburn
3 Avenue, you know, in addition to drug addiction and
4 the other plight that goes on there, the streets are
5 pretty filthy. I have personally seen the benefit
6 when I get out of my car in the morning to worship,
7 walk across the street and see the community court
8 service workers working with Downtown Ambassadors to
9 clean the street. It has truly been a benefit and a
10 joy to see.

11 My feel is for you to recognize the work
12 that the community court does and its relationship to
13 getting people who have mental illnesses and
14 addiction problems directly into treatment, into the
15 treatment system so that they can begin to turn their
16 lives around.

17 MR. ATTRIDGE: Thank you so much.

18 MR. KADISH: One question. You said that
19 the program is working with Judge Riley and the
20 community court and that it did not work or does not
21 work with Fulton County. Why doesn't it work with
22 Fulton County?

23 MR. MASON: I was referring to -- I don't
24 think I said it didn't work with Fulton County. I am
25 referring to the length of time it took to get the

1 community court going to meet the needs that were not
2 being met.

3 MR. KADISH: Is there one in Fulton
4 County?

5 MS. HALL: No, no.

6 MR. MASON: No, not a community court.

7 MR. KADISH: Do you provide your services
8 somehow through the Magistrate's Court of Fulton
9 County or any other courts in Fulton County?

10 MS. HALL: No.

11 MR. MASON: We work directly with the
12 community court in linking people who have mental
13 health issues and drug treatment issues.

14 MR. KADISH: Has Fulton County rejected
15 what you are doing?

16 MR. MASON: I can't speak to that.

17 MS. HALL: I will speak about that.

18 MR. MASON: My president wrote a letter, I
19 want to enter it into the record as well.

20 MR. ATTRIDGE: Please.

21 MS. ROSEBOROUGH: Mr. Mason, before you
22 step away, let us take the opportunity to thank you
23 and St. Joseph's for all the good and positive work
24 you do for our community. You are a saint among us.

25 MR. MASON: Thank you.

1 MS. GERBER: Mr. Scheib.

2 MR. SCHEIB: Good afternoon. I may not be
3 as civil and courteous as your other speakers. I
4 will not be belligerent, either.

5 I am a criminal defense lawyer, I have
6 been for the last 17 years. That's all I do is
7 criminal defense. I started in the legal system
8 about 1971 as a police officer in Orlando, came up to
9 here to Atlanta as a city policeman here in Atlanta.
10 I wish before somebody would have started the program
11 we are in right now they would have asked some
12 people -- and I understand it is a budget scenario, I
13 understand what is going on -- but in the upcoming
14 months everybody is going to see this is going to be
15 a fiasco.

16 I have the opportunity to represent the
17 Atlanta police. I actually had lunch today with a
18 police officer who has been a police officer 28
19 years, a detective. I am not going to tell you who
20 it is. He says the system we are under right now is
21 a fiasco. Officers are not making cases, it is
22 taking hours to book in people.

23 I was at the Fulton County Jail on
24 Tuesday, probation revocation of a young man. I got
25 there about 12:00 o'clock, supposed to have hearings

1 at 2:00. At ten minutes after 2:00, a lieutenant
2 comes out and says to a whole group of people
3 unassociated with me, that I apologize, you have been
4 sitting here waiting for preliminary hearings since
5 9:00 o'clock this morning. They were waiting over
6 five hours.

7 I talked to a supervisor friend of mine
8 during my probation revocation, he says it is a
9 fiasco. Everybody in the top is telling everybody in
10 the news media, maybe you people and the Mayor and
11 everybody, oh, it is going fine; it is a fiasco.
12 They are not making the cases. We are already down,
13 what, six to 800 officers.

14 I mean, I have friends that work in
15 certain places and they will speak to me; they may
16 not talk to you, I don't know. But I mean, the City
17 of Atlanta is in trouble. We are down police, we are
18 down firemen, now you want to go ahead and do away
19 with the City Courts of Atlanta. The City Courts and
20 these judges have been doing this for years. And by
21 the way, they don't pay my salary.

22 I love Paul Howard. He has made me a
23 tremendous amount of money with all these cases he
24 has made, a lot of money, God bless him. But the
25 thing about it is we need to defend and take care of

1 the citizens, the victims and the defendants. This
2 is what the Municipal Court does and Traffic Court
3 does.

4 Some of the judges were saying about
5 consolidating, I like the traffic system the way it
6 is, they are experts in their field. The Municipal
7 Court judges do a very great service for the City of
8 Atlanta. They weed out cases that should not be in
9 State Court, should not go to Superior Court. You
10 have preliminary hearings. You know if you have a
11 strong case or a weak case. Sometimes you get
12 domestic violence cases, Judge Deveaux, he has
13 certain programs he deals with. Instead of them
14 sitting in the jail for hours and hours and hours,
15 they can go ahead and bond out from City Court, once
16 a program is implemented.

17 Like I said, I have been in this
18 profession 31 years. I predominantly try major
19 felonies. Two months ago I tried a triple homicide,
20 before that I tried another homicide. I have seen
21 what Mr. Howard has done, he has got good programs
22 over there. But the program he started with the
23 minor felonies, it has escalated into a situation
24 where they are taking over everything.

25 This situation is not working. You go

1 ahead, you talk to the beat officers, they are going
2 to tell you, hey, they love the Municipal Court
3 system, it weeds out cases that should go to certain
4 places, that should not go to certain places.

5 If you take everything to Fulton County,
6 people are going to be sitting over there for hours.
7 I have had cases where they arrested four or five
8 people, one hit of cocaine. You get to Municipal
9 Court, you go before Judge Mickle or Judge Malicki,
10 whatever judge it is, and they figure out who is
11 probably culpable, who is there. You reduce three or
12 four felonies to an ordinance violation, DC 6, they
13 pay a fine that goes to the city coffers, the other
14 person goes to the Superior Court.

15 The way they have the system now,
16 everything goes to Superior Court. Mark my words, I
17 will make a lot of money, but in March, April, May,
18 when it starts getting warmer, you start having all
19 these cases that are coming in, the feds are going to
20 inundate the Fulton County Jail because they are
21 going to be overcrowded.

22 I talked to people at the Fulton County
23 Jail, who talk to me. They talk to me, I represent
24 them a lot of times. I know what is going on.
25 Somebody is pulling a sham on somebody.

1 The City of Atlanta, I know they are
2 trying to save money but there is ways to do this,
3 ways to increase -- I pay taxes in the City of
4 Atlanta and I have for over 20 years.

5 So, I mean, if you keep this, if the Mayor
6 doesn't change some things, the system is going to
7 turn on us; and the feds are going to be all over
8 everybody's orifice at the jail, including the
9 sheriff. And Paul Howard, you know, like I said, I
10 love him, he makes me a lot of money; but the system
11 isn't working.

12 What is going to happen with the complaint
13 room, they handle minor felonies, they do major
14 felonies, too, it wasn't supposed to be that. I
15 filed speedy trails on some of them and I have won
16 because there's not the evidence there when some
17 criminals should be going to prison.

18 But I am a defense lawyer, I am going to
19 defend my client rigorously. Even on a rape case,
20 one lady told me the other day, the complaint room
21 had it, if you file a speedy trial and they indict --
22 and I have had people they arrest on Tuesday, they
23 indict on Friday, I file a speedy trial. If the
24 evidence isn't there, there the perpetrators are
25 going to walk.

1 That's what these judges do, they find if
2 there is evidence to bind it over, not bind it over.
3 One example, I have had cases --

4 MR. ATTRIDGE: Excuse me. I want to --

5 MR. SCHEIB: I only have four minutes, I
6 want to talk.

7 MR. ATTRIDGE: We want to ask you a quick
8 question. One of the things we have heard is some of
9 the same things you are saying, fiasco or whatever.
10 We have heard some of the same complaints. We would
11 like to find out exactly what is the cause of the
12 situation. Is it because the police officers can't
13 make a case quick enough, can't get to a hearing
14 quick enough? Where is the breakdown? You tell us
15 where the breakdown is.

16 MR. SCHEIB: Well, the way they have it in
17 the City of Atlanta, you take them to the sally port,
18 you go ahead and you give them a ticket, boom, you
19 are gone. With the complaint room, you take them to
20 Fulton County, they have to type up everything. I
21 talked to a detective this morning, had lunch with
22 him. I have known him since 1979. He says, I have
23 to go to my computer and I have to do certain things,
24 and he said, it is too much time. By the time you
25 get to the Fulton County Jail, you have to wait in

1 line, hour, two hours, three hours.

2 MR. ATTRIDGE: Hold it right there. The
3 policeman is waiting in line an hour, two hours,
4 three hours?

5 MR. SCHEIB: The policeman booking the
6 cases. What is his name?

7 MR. ATTRIDGE: No, I am not asking any
8 names now. I am trying to find out cause and effect.

9 MR. SCHEIB: City of Atlanta policeman.

10 MR. ATTRIDGE: I understand. No problem.
11 Are you talking about is it the policeman that is
12 having to wait that long?

13 MR. SCHEIB: Yes. Everything has to be
14 approved. They have to look at the paperwork to make
15 sure certain things are there. They want a police
16 report, where a lot of times the policeman, what he
17 will do as a general rule if he makes certain cases,
18 what he does is he will write up the ticket, he will
19 give it to the sally port, the city jail, Garnet
20 Street, he will give it to them, then he will do his
21 police report at the end of a shift or maybe when he
22 has a break, he can get back out. You are down
23 police, you need to take care of other citizen calls,
24 you need to be able to back up other police, they are
25 not able to do that now.

1 MR. ATTRIDGE: Aren't you saying he is
2 having to make his report when he takes the man down
3 to jail, isn't that what you are saying?

4 MR. SCHEIB: That's my understanding.
5 Things have to be approved.

6 MR. ATTRIDGE: What is wrong with that?

7 MR. SCHEIB: Because they generally do
8 that at the end of the shift.

9 MR. ATTRIDGE: I know when they generally
10 do it. That's what I am trying -- I am trying to get
11 to the problem in the new system if you hear what I
12 am saying. Indeed, it may be backing up, we want to
13 find out if it is backing up.

14 MR. SCHEIB: Right.

15 MR. ATTRIDGE: What I am saying, you are
16 making the report right after you put the person in
17 the jail, correct?

18 MR. SCHEIB: Right.

19 MR. ATTRIDGE: Now, how is that time wise
20 taking any longer than going back out and then having
21 to make three reports at the end of time?

22 MR. SCHEIB: You do it when you have time
23 to do it; and if you have to do it right then, there
24 may be calls backing up. You are doing it at the
25 most inopportune time. You have people in front of

1 you, so you have to wait until they
2 process everybody. From what I understand, a couple
3 of my clients have gone through the process, instead
4 of taking three or four hours to get out, it took
5 them 18 to 24 hours to get out.

6 MR. ATTRIDGE: Is the backup at the
7 precinct?

8 MR. SCHEIB: The backup is at the jail
9 where officers had to wait for hours and hours.

10 This is what I am being told by police
11 officers. They are telling me we are not going to
12 make these cases.

13 MR. ATTRIDGE: We have been told the same
14 thing. I have heard a lot of telling. We are trying
15 to follow A to B to C, you see, and find out where
16 the problem is. Obviously if somebody is backing up
17 18 hours, there is something wrong.

18 MR. SCHEIB: You have to understand, you
19 have got Fulton County Jail, you have got people
20 coming in from Union City, College Park, East Point,
21 all over where you have a City of Atlanta jail with
22 these people that have been doing this for years and
23 years and years, they know what is going on. You
24 have all the judges dealing with this, they know what
25 is going on. Now you have a bunch of folks that do

1 not know what is going on. There is not enough
2 people, there is people coming in --

3 MR. ATTRIDGE: You have got enough
4 magistrates, haven't you?

5 MR. SCHEIB: Pardon me?

6 MR. ATTRIDGE: You have enough
7 magistrates, haven't you? They are not backed up,
8 are they?

9 MR. SCHEIB: Like I said, I was in court
10 Tuesday, the lady came out, the lieutenant came out
11 and said, I am sorry y'all have been waiting five
12 hours, we have a bunch of cases in here.

13 You don't have enough magistrates, I mean,
14 you have City Court of Atlanta; and they know what
15 they are doing, they have been doing it for 20
16 something years. They knock out cases. Whether I
17 agree with them or don't agree with them, sometimes
18 they rule against me, but they are efficient at what
19 they do.

20 MR. ATTRIDGE: All right. Let's go back
21 to the five hours. What was the backup? Were they
22 not being able to have hearings, is that what you are
23 saying?

24 MR. SCHEIB: What the lady came out and
25 said --

1 MR. ATTRIDGE: Yeah, when the lady came
2 out.

3 MR. SCHEIB: The lieutenant came out and
4 said, look, I am sorry you people have been waiting,
5 we are doing, I believe her words were, we are doing
6 one or two at a time, and it is very slow.

7 One woman behind me said, you know, I have
8 been waiting six hours, that doesn't happen in the
9 courts.

10 MR. ATTRIDGE: I am with you. Where is
11 the backup? Do they not have enough magistrates or
12 what?

13 MR. SCHEIB: I can't answer that.

14 MR. ATTRIDGE: Who was in the room that
15 was taking six hours?

16 MR. SCHEIB: You go back to the jail area
17 is where they have it. They have one magistrate, I
18 understand, you have one jailer bringing one person
19 in at a time for a hearing.

20 MR. ATTRIDGE: It sounds like there is not
21 enough magistrates, I mean, to the uninitiated.

22 MR. SCHEIB: You might be right, I don't
23 know.

24 MR. ATTRIDGE: Is that what you think the
25 problem is?

1 Let me try to stop it and try to get to
2 that.

3 MR. SCHEIB: I don't know the answer to
4 that.

5 MR. ATTRIDGE: You don't know. It sounds
6 like you are saying they don't have enough

7 magistrates, that is how people back up to six hours.
8 Is that what you think it is?

9 MR. SCHEIB: Right.

10 MR. ATTRIDGE: Is that what you think it
11 is?

12 MR. SCHEIB: Yes.

13 MR. ATTRIDGE: Really, I wasn't trying to
14 be funny.

15 MR. SCHEIB: No. I understand. You have
16 Fulton County, Fulton County Jail, they are not used
17 to that scenario there at all. They are doing a
18 little bit right now, like the judge says which is
19 true, January, February, most folks, it is cold and
20 they are inside. You wait until it gets warm.

21 MR. ATTRIDGE: What are they not used to?

22 MR. SCHEIB: They are not used to handling
23 this at all, any way, shape or form. They don't do
24 preliminary hearings down there, they don't have
25 hearings at the Fulton County Jail. This is just

1 something new, and they are going to have to hire a
2 lot more folks, have to get courtrooms. You have the
3 City of Atlanta that has been doing this for years.

4 You know, my dad said, if it ain't
5 broken -- somebody else said it first -- if it ain't
6 broken, don't fix it. It is not broken. But I still
7 make a lot of money.

8 MR. ATTRIDGE: Could you give us your full
9 name and address, please, sir.

10 MR. KADISH: In case we want a loan.

11 MR. SCHEIB: Somebody passed a note to me,
12 the police officers in the complaint room, they have
13 to wait for a DA to do stuff, they are not on the
14 streets which is true. They sit there for hours,
15 this should be a big concern of everybody here.

16 MR. ATTRIDGE: They are sitting where?

17 MR. SCHEIB: They are sitting in the
18 complaint room.

19 MR. ATTRIDGE: The officer is sitting in
20 the complaint room, not in the precinct? Isn't he in
21 the precinct typing up the stuff?

22 MR. SCHEIB: He is either in the precinct
23 or in the complaint room from what I understand where
24 they have the computers where they do this. Where
25 they normally wrote it out, handwritten.

1 MR. ATTRIDGE: I know that. I think the
2 report is, I think, done at the precinct and typed
3 into the complaint room, right?

4 MR. SCHEIB: It could be done that way or
5 in the complaint room.

6 MR. ATTRIDGE: You don't have a bunch of
7 officers in the complaint room.

8 MR. SCHEIB: No. But they have to sit in
9 there where they never had to do it before.

10 MR. ATTRIDGE: Please give your full name
11 and address for the court reporter.

12 MR. SCHEIB: Dennis R. Scheib. Office is
13 142 Mitchell Street.

14 MR. ATTRIDGE: Thank you, sir. I
15 appreciate it.

16 MR. REINHARD: Good afternoon, members of
17 the panel, Mr. Chair. My name is Richard Reinhard.
18 I live at 1564 DeKalb Avenue, in the city of Atlanta.

19 I am president of Central Atlanta Progress
20 and the Atlanta Downtown Improvement District. I
21 also brought with us today a couple of our staff
22 members who deal with this on a day-to-day basis,
23 David Wardell, our vice president for operations, and
24 Lazoyed Hudgins who is our manager of public safety,
25 who heads our 65-person Ambassador Force on the

1 streets of downtown Atlanta.

2 The Atlanta community court is an integral
3 part of an overall urban public safety model, a
4 network of programs developed as part of a
5 collaboration between and among the state, city and
6 downtown business interests, to serve our 25,000
7 residents, 30,000 students, 150,000 employees and 40
8 million annual visitors to downtown.

9 The model has a number of parts, the
10 Ambassador Force, good communication between and
11 among all the private security folks downtown,
12 including those in this building, the coordination of
13 13 different downtown police forces lead by the
14 Atlanta Police Department but including Georgia State
15 and Georgia Tech and the Georgia World Congress
16 Center in community court.

17 The model is designed to connect
18 interrelated public and private programs that get
19 together to improve public safety, work on street and
20 civility issues through restorative justice, to
21 divert lower level criminals to community service or
22 social service treatment and to increase the positive
23 public perception of downtown as a decent place to
24 live and visit and work.

25 Through the support of the city

1 administration and council, some of whom are here
2 today, and with the leadership of Chief Judge Barbara
3 Harris and community court Judge Bill Riley, the
4 Court is effectively addressing what are commonly
5 known as quality-of-life crimes, disorderly conduct,
6 panhandling, prostitution and some low level drug
7 offenses. The Court's principles are restorative
8 justice and rehabilitation. It maintains that it has
9 a clear interest both ethical and financial in seeing
10 that offenders receive appropriate social services.
11 You heard about some of that from Robert Mason. It
12 will help curb future criminal behavior.

13 The facts validate that the community
14 court so far is doing a number of those things, is
15 turning wasted lives into productive ones, turning
16 downtown residents into partners with the justice
17 system, setting standards for public behavior,
18 anchored and compassionate sensibility, saving and
19 redirecting public funds for a greater good. It is
20 also serving as a good platform for the public and
21 private sectors to create a more civil and caring
22 city for all our citizens.

23 In her book The Death and Life of Great
24 American Cities, Jane Jacobs asked the question, what
25 do people think of when they think of a great city,

1 and their answer was they think of its great
2 sidewalks. The quality-of-life and lower level
3 misdemeanors on our city sidewalks affect our
4 citizens, family, visitors and their perceptions of
5 our city.

6 In closing, we would urge that
7 consideration be given to not just preserving
8 community court but also increasing its scope, having
9 more quality-of-life crimes, all of them if possible
10 as well as some other misdemeanor offenses diverted
11 to the court for its disposition. Without that
12 expansion, without that preservation of the current
13 court and its expansion, we feel the results could
14 lead to dispirited residents, dispirited business
15 owners, dispirited police officers, who might get
16 disheartened by the system's inability to completely
17 and effectively address small crimes. With the sort
18 of holdups you have been hearing about today, it will
19 erode our city and its perception of safety.

20 I can speak with certainty that the
21 downtown business community led by our former chair
22 Duane Ackerman, the CEO of BellSouth, spent years
23 working with city and state officials to set up our
24 community court. We should not treat it lightly. It
25 is looked at from around the nation as a model. We

1 get calls from other cities. St. Louis sent a
2 delegation down here to talk to our business
3 community and our court. It is something that needs
4 to be expanded and preserved.

5 Thank you very much. I will be glad to
6 answer any questions.

7 MS. ROSEBOROUGH: I just had one quick
8 question for Mr. Reinhard. If there were an
9 environment where the courts were unified, would you
10 see that as an impediment to the work of the
11 community court or something that just would have to
12 be taken care of in the process?

13 MR. REINHARD: I would think we need to
14 add a strong community court system under whatever
15 model you would propose. I will tell you the one we
16 have right now is working darn well and is looked at
17 from around the country as being a model. Whatever
18 we do, we shouldn't lose that goodness that we
19 currently have got which has come from so many people
20 working so hard.

21 I also add I live near Little Five Points,
22 this is not just a downtown issue by any means. It
23 really is an issue on our streets and our sidewalks
24 throughout our city. Renee Glover and I have talked
25 about this at the Housing Authority, and Timothy

1 Youngblood on Auburn Avenue. It is something we
2 can't afford to lose. Thank you very much.

3 MR. KADISH: Thanks for your time.

4 MS. GERBER: Deputy Johnson and Ms.
5 Thomas.

6 DEPUTY CHIEF JOHNSON: I am Assistant
7 Deputy Chief Carol Johnson of the MARTA Police
8 Department.

9 The Atlanta court for the MARTA Police
10 Department is very important to us. It is our main
11 court system where we take our quality-of-life cases
12 that was just mentioned earlier. The cases are high
13 priority to us as it affects our perception of MARTA
14 and the City of Atlanta. So these cases we really
15 like for them to come through the system because they
16 can be adjudicated much easier and much simpler than
17 going to the Fulton County system.

18 The other priority for us is fare evasion
19 cases. Those cases are a high priority issue at
20 MARTA. We bring those cases in, write them on the
21 city level, therefore they can be taken care of the
22 very next day and we don't have to wait for them to
23 get bogged down in the state system like has been
24 happening.

25 I did an informal survey at our department

1 and our officers are being able to come out about 26
2 minutes to 30 minutes faster handling them through
3 the City of Atlanta. It is more effective and
4 efficient for us.

5 MR. ATTRIDGE: Questions?

6 MR. BAGGETT: I have a question.

7 Chief, MARTA is also in DeKalb. When you
8 take cases to DeKalb which has a gigantic jail and
9 doesn't have a lot of these courts having preliminary
10 hearings on the more serious offenses, how long are
11 your officers there?

12 DEPUTY CHIEF JOHNSON: Our officers are
13 over there for a long time, usually 45 minutes to an
14 hour. We have been using their system ever since
15 MARTA -- it takes about 45 minutes longer than it
16 would with City of Atlanta. We have to go through
17 the warrant system, and that takes a very long time.
18 It involves taking officers off the beat because the
19 officer who makes the case has to come and testify
20 before the judge. So it does take a long time. With
21 this system it doesn't.

22 MR. SAMPSON: Thank you, Chief. One thing
23 I wanted to ask was what do you attribute the shorter
24 time to in the city system, vis-a-vis the present
25 system?

1 DEPUTY CHIEF JOHNSON: Well, first of all
2 the knowledge of the officers knowing the system,
3 first of all. Also, being able to come over with the
4 citation, bring the perpetrator there, bring the
5 citation, and it just happens much faster. It is not
6 the backlog like the attorney spoke of, you don't
7 have to stand in line and wait. It is just
8 repetitive. They know what they are doing. They
9 have been doing it for a long time. We don't have
10 the issues of other departments like Union City,
11 College Park, it is very efficient for us. The
12 officers, they get right out and get back on the
13 beat.

14 MR. SAMPSON: Do you think it is
15 potentially a manpower and experience concern that is
16 causing some of the delay?

17 DEPUTY CHIEF JOHNSON: I think, I think
18 so.

19 MR. SAMPSON: Thank you.

20 MR. KADISH: You say stand in line, are
21 you meaning stand in line at the complaint room or do
22 you mean stand in line at the intake at Fulton County
23 Jail? Just wasn't clear about that.

24 DEPUTY CHIEF JOHNSON: Stand in line at
25 the complaint room.

1 MR. KADISH: So MARTA does not use the
2 complaint room at all?

3 DEPUTY CHIEF JOHNSON: Yes, we do, yes, we
4 do. Yes, we do.

5 MR. KADISH: For felony cases?

6 DEPUTY CHIEF JOHNSON: Yes, sir.

7 MR. KADISH: For misdemeanor cases you
8 use --

9 DEPUTY CHIEF JOHNSON: We come over and we
10 just call right then. They decide right then whether
11 or not we are going to make the charges right then.

12 But we try to make all of them under the city
13 ordinances, and therefore we bring them to Atlanta,
14 it is handled much easier then.

15 MR. KADISH: You have found that the
16 complaint room, you can use; but you can't use it as
17 effectively as the City of Atlanta. To get to the
18 City of Atlanta you are reducing your charges by
19 discretion of the officers to ordinance violations.

20 DEPUTY CHIEF JOHNSON: Yes, sir.

21 MR. KADISH: Are you as police chief, are
22 you assured that those are really ordinance violation
23 cases and not more serious cases?

24 DEPUTY CHIEF JOHNSON: No, sir. We have
25 already researched that with our legal department,

1 and most of our cases like I said are the fare
2 evasion or the quality-of-life cases, those we don't
3 have an issue with. It is handled easier there. It
4 is not like we are not doing what we are supposed to
5 with our citizens. As far as the major felony cases,
6 we are taking those there. But those are not as high
7 a number as the quality-of-life cases.

8 MR. KADISH: So the quality-of-life cases
9 as we have heard from a number of witnesses, a very
10 appropriate court for that is the City of Atlanta,
11 Municipal Court which they are set up for.

12 DEPUTY CHIEF JOHNSON: Yes.

13 MR. ATTRIDGE: Thank you, Chief.

14 MS. GERBER: After Ms. Thomas is
15 Mr. Burnette.

16 MS. THOMAS: Hello, I am Georgianne
17 Thomas. I am the manager of the Temporary Protective
18 Order Program at the Atlanta Municipal Court. I
19 think the Honorable Judge Greene gave appropriate
20 background and laid the foundation for my brief
21 comments.

22 I was asked by my boss, Chief Judge
23 Barbara Harris, to give you some background, say
24 something to you in reference to the Temporary
25 Protective Order Program.

1 Just as background, just a few comments
2 for the public. For many of us the adage that there
3 is no place like home conjures up images of warm,
4 comfortable family scenes. For millions of women in
5 the United States and as we have seen in our office
6 this phrase has a very different meaning. For these
7 women home is a place of intimidation, fear and
8 violence. Domestic violence continues to be the
9 leading cause of injury to women. In fact, women are
10 at greater risk of becoming a victim of violent crime
11 in their own home.

12 Even if she is free of physical or sexual
13 abuse in an intimate relationship, a woman faces the
14 risk of being sexually assaulted by an acquaintance
15 or a stranger. Sexual assault is acknowledged to be
16 the most underreported violent crime on which
17 national statistics are held.

18 Stalking is another violent crime that
19 plagues many women. Only recently has the justice
20 system and the public recognized stalking as a
21 distinct and serious crime, rather than an antecedent
22 to other crimes. Beyond highly publicized cases
23 involving celebrities and political leaders, there is
24 still little understanding of stalking as a crime.

25 In contrast to these highly publicized

1 cases, the majority of stalkers know their victims;
2 and much stalking occurs within the context of
3 domestic violence, particularly when victims try to
4 leave their batterers.

5 Perpetrators of domestic violence, sexual
6 assault and stalking discriminate against no one.
7 The women who come to our office are from all levels.
8 They are from all areas. Domestic violence has no
9 face. We have a woman from no degree to a GED to
10 M.D. Women of all ages, races, cultures and social
11 backgrounds have been at the Atlanta Municipal Court.
12 The impact of these crimes extends to families, the
13 workplace and to all the communities.

14 In 1994, Congress passed and President
15 Clinton signed a landmark Violence Against Women Act,
16 VAWA; and we have a VAWA grant for the Temporary
17 Protective Order Program. Because of this VAWA
18 grant, the Atlanta Municipal Court and the domestic
19 violence court, we have been available to the victim
20 at the most critical point of the judicial process.
21 When the victim has been in court and the process is
22 there, when she leaves court, the Temporary
23 Protective Order Program and staff, we are available
24 to her, to help the victim get a temporary protective
25 order. Victim/Witness is also available and we work

1 in conjunction with them in order to help process the
2 TPO right at that point.

3 If the victim leaves and goes somewhere
4 else, more than likely, she will not do a temporary
5 protective order. The concern that I have now is I
6 spoke with -- and this is hearsay -- I spoke with a
7 woman who called our office who said she was handed a
8 packet up at Fulton County. They do have a Temporary
9 Protective Order Program under Sharon Stearns and
10 they operate on Tuesdays and Thursdays, but our
11 office is open every day, Monday through Friday. We
12 are there for the victim at the critical moment when
13 she needs us.

14 If I may take this minute to just read
15 from Judge Hicks and I did leave a copy there.

16 Dear Ms. Thomas, I would like to take a
17 moment to thank you and your staff for your
18 assistance to the Superior Court of Fulton County for
19 the preparation and processing of temporary
20 protective orders originated in the City of Atlanta.
21 As a magistrate in the Superior Court, I am an
22 assisting presiding judge and frequently review
23 petitions and issue protective orders. I also
24 regularly preside over the family violence hearings
25 that are set once the ex parte protective orders are

1 signed to determine if six-month or permanent
2 protective orders should be issued.

3 Over the past few years I have found that
4 your staff is conscientious and attentive to the care
5 and needs of the petitioners. I am aware of how
6 difficult it is for petitioners to thoroughly
7 complete the paperwork while under distress. Your
8 staff interviews the clients to assure that the
9 petitions are completed in entirety and that the
10 pertinent information is presented in proper form to
11 the Court. This saves the Court valuable time and
12 makes this process easier on the petitioners. I am
13 also aware and impressed that your staff escorts the
14 petitioners to Superior Court on a daily basis, rain
15 or shine, from Atlanta Municipal Court and guides
16 them each step of the way in obtaining the protective
17 order. In reviewing petitions from walk-ins, I am
18 able to see the vast difference in the information
19 provided to the Court and the time spent by court
20 personnel to assist the petitioners in completing the
21 forms.

22 Last, I feel that the Temporary Protective
23 Order Program is invaluable to the Court as well as
24 to your many clients. I hope that the City of
25 Atlanta and Fulton County recognizes the value of

1 your program and commends you for the fine work that
2 you do.

3 And this letter, I hope, will help support
4 the fact domestic violence court is what we still
5 need to have. It is accessible, we are right there
6 and there are victims out there now floating around
7 without proper access to temporary protective order.

8 And in closing, Judge Harris asked me to
9 bring and ask someone to come just from the general
10 public to speak with you. Ms. Eddington didn't get a
11 chance to sign up, so I don't know where you want
12 her.

13 MR. ATTRIDGE: Perfectly all right. We
14 will be happy to hear from you.

15 Thank you, Ms. Thomas. We appreciate what
16 y'all do.

17 MS. EDDINGTON: Good afternoon. Thank you
18 so much for hearing from me.

19 MR. ATTRIDGE: We are glad to hear from
20 you. Give your full name and association, please.

21 MS. EDDINGTON: My name is Keena
22 Eddington. I was a volunteer for the Municipal Court
23 TPO service that Ms. Thomas runs; and as a volunteer
24 I was so impressed because I am also a domestic
25 violence specialist. I was impressed with the fact

1 that not only is the TPO the beginning of saving
2 someone's life, it is the link in the chain that
3 keeps all the collective efforts together to provide
4 this service that is mandated for women who are
5 losing their lives.

6 If you don't understand what happens to a
7 family or an individual who is abused, let me just
8 give you an idea. I have experienced generational
9 abuse, I have experienced personal abuse, I have
10 experienced sexual abuse. What I do now as a
11 volunteer with the Temporary Protective Order service
12 is I use my life experience to show other people that
13 you can make your way out of this, that there is
14 somewhere for you to go.

15 Without the temporary protective order
16 accessibility, we will deny women the opportunity to
17 save themselves. If a woman walks away from a
18 domestic violence situation and she has children, she
19 has more than one way of being assaulted. This
20 temporary protective order service provides not only
21 protection for the plaintiff but it also provides
22 protection for her children and additional people in
23 the family who the abuser could get to to get through
24 to her.

25 This is a way for women and children and

1 especially young women who are sexually assaulted who
2 do not have any clue that they have resources
3 available to them. The TPO service is there. It
4 needs not to be taken away, it needs to be elevated.
5 It needs to be used in a way of education,
6 intervention, and prevention.

7 This morning we had a situation that I
8 heard about on the radio, I don't know if you all
9 have. But there was a hostage situation where a
10 woman was being held hostage in her house by her
11 either ex-boyfriend, ex-husband, but it was a
12 domestic violence situation. That's unfortunate that
13 in 2003 women still allow themselves because of the
14 uneducation and the unhelpfulness that could come

15 more so from the city and the state, but most women
16 are put into a position where we are not sure of
17 where to go, we are not sure of who to ask for help.

18 The Temporary Protective Order service
19 that is at the Municipal Court for Atlanta is the
20 beginning for a lot of people, a lot of young people,
21 a lot of older people. Taking that service away
22 would deny a lot of women the opportunity to walk
23 away instead of going away and back.

24 Thank you and please reconsider it. Thank
25 you.

1 MR. ATTRIDGE: Thank you very much.

2 MS. ROSEBOROUGH: Ms. Eddington, before
3 you step away from the microphone, please make the
4 court reporter aware of your address.

5 Let us please thank you for your work as a
6 volunteer. There are many, many services that are
7 vital to the well-being of citizens that are
8 supported by volunteers like yourself. You are here
9 representing not only Temporary Protective Order
10 Services but a whole class of people whose efforts
11 are so important to us as citizens; and I want to
12 thank all of them through your efforts here. Thank
13 you.

14 DR. BURNETTE: Good afternoon. I am
15 Dr. Craig Burnette. I represent the Department of
16 Veterans Affairs on a national level, but I am
17 fortunate enough that they let me live here in the
18 city of Atlanta. My offices are here and are
19 contained out at the Atlanta VA Medical Center on
20 Clairmont.

21 As a national coordinator of treatment of
22 homeless veterans, I am responsible for determining
23 the needs, the unmet needs of homeless veterans in
24 172 cities around the nation. I am then responsible
25 for formulating action plans to address those unmet

1 needs. They usually come in the form of housing,
2 they come in the form of employment, they come in the
3 form of psychological and medical needs and they come
4 in the form of dealing with whatever crimes they may
5 have committed or records they may have.

6 What I am here today for, since I live
7 here in Atlanta I have the opportunity to see close
8 up what happens here in Atlanta with our homeless
9 veterans, and particularly those involved in the
10 court system. While I travel a lot, I see programs
11 in New York, Los Angeles and other cities around the
12 nation, the one here in Atlanta stands out; and what
13 I proudly talk about is the relationship that we have
14 at the Atlanta VA Medical Center and community court
15 here in the City of Atlanta.

16 With me today are Ms. Linda Wright and Mr.
17 Herb Elliott. Ms. Wright is the coordinator of the
18 homeless program out there, Mr. Elliott is one of our
19 outreach workers.

20 To piggyback on what Mr. Mason was talking
21 about, we, too, scour the streets, cities, byways,
22 under bridges and out in the woods in Atlanta to find
23 and treat homeless veterans. Sometimes we don't have
24 to scour the streets because we can find them right
25 here in the city jails. Let me tell you how that

1 works for us and how it has worked and what my
2 concerns are.

3 Within the city jail we have had a program
4 called Fresh Start. Fresh Start, I have had a chance
5 to visit and see. As a result of Fresh Start, those
6 persons who had drug and alcohol, identified
7 themselves as drug and alcohol or substance abusers,
8 were allowed to participate in an in-house, in-jail
9 treatment program. Once they completed that
10 treatment program, and if they were given the
11 necessary or met the necessary requirements and they
12 were screened by us, we would take them after six
13 months in that program, once they were put on
14 probation, and we would provide housing and treatment
15 and care for them as veterans. These are veterans
16 who would otherwise be homeless again and back out on
17 the streets.

18 I can tell you now as a clinician and as a
19 researcher I am suspect when I hear numbers that are
20 sky high numbers in terms of success for treatment,
21 treatment for substance abuse. But I can tell you in
22 fact in the past year and a half that we have had 80
23 homeless veterans, or formerly homeless veterans from
24 that program, through community court connections we
25 have an 85-percent success rate of them maintaining

1 sobriety, being clean, being employed, being housed.
2 They are now productive taxpayers here in the city of
3 Atlanta as a result of the interventions through the
4 community court and I would like to think the
5 interventions -- I don't like to think, I know the
6 interventions of our five clinicians represented here
7 today.

8 To end a program like Fresh Start, to end
9 the relationships we have through community court,
10 through whatever the budget cutbacks or whatever they
11 may be, for me would be a loss and for our veterans
12 it would be a loss. We are turning lives around
13 through these programs. They are no longer being
14 jailed repeatedly again, or as Judge Riley likes to
15 say, our frequent flyers. We are stopping that, and
16 we are stopping it dead in its tracks.

17 I would welcome any questions or comments.

18 MR. SAMPSON: Great program. Logistically
19 how does that work? How are they identified in the
20 process, Doctor?

21 DR. BURNETTE: Sir, for us, in working
22 with our staff, in working with the staff there, we
23 simply ask the question upon admittance, have you
24 served in the military. We, of course, run our
25 records to verify the eligibility. That doesn't take

1 any time at all for us to do that. Once they are
2 identified and they have committed to treatment and
3 to the aftercare afterwards because we do a hard
4 follow-up case management afterwards, then our
5 clinicians interview them as well to see if they are
6 appropriate for our programs.

7 Once that is done we track them in the
8 city jail and watch what is going on with them.
9 Prior to their release we start doing work ups about
10 housing, treatments, setting up appointments at the
11 hospital, getting them into aftercare, things like
12 that. Then our case manager upon their release takes
13 on that burden. Does that answer it?

14 MR. KADISH: Is the community court now
15 working in the Municipal Court, is it just Judge
16 Riley who handles all of the community court cases or
17 are there other judges?

18 DR. BURNETTE: I would have to defer to
19 Judge Riley to explain the process on that. I don't
20 know. We are the ones that grab them during the
21 treatment phase.

22 MR. KADISH: He is the judge that you work
23 with.

24 DR. BURNETTE: Yes, sir. He has been very
25 helpful with us.

1 MR. KADISH: How many years has this been
2 going on?

3 DR. BURNETTE: Year and a half. I should
4 have said that, I think I said a year and a half,
5 that is what we have data on in terms of our
6 patients.

7 MR. KADISH: Most of these Vietnam
8 veterans?

9 DR. BURNETTE: You know, I would have to
10 go back and run that data. My guess is it would have
11 been a mix -- my guess is -- I am a Vietnam veteran
12 myself, I am 57, so it would be about my age group
13 and less. We actually find amongst -- again, going
14 back to the homeless, you know, homelessness is where
15 my work comes from. Going back to the homeless
16 population, the large majority of the homeless who
17 are veterans are still in the Vietnam era. The
18 fastest growing population among the homeless
19 veterans are Persian Gulf.

20 I hope y'all will give it full
21 consideration in your deliberations, know how much it
22 means to us and to our veterans. Good bye. Thank
23 you.

24 MS. ROSEBOROUGH: Dr. Burnette, before you
25 get too far away, would you make sure the court

1 reporter has your address.

2 MS. RYAN: Good afternoon. My name is
3 Ramona Ryan. R-y-a-n.

4 I am also a resident of the City of
5 Atlanta and I am employed with the City of Atlanta.

6 MR. ATTRIDGE: Excuse me, ma'am, we are
7 still having some trouble hearing you and if you
8 could, just move it around. Try that.

9 MS. RYAN: I am an employee with the City
10 of Atlanta Municipal Court under the leadership of
11 Chief Judge Barbara Harris. I have been employed
12 with the City for ten years. During that process I
13 was able to finish my law school studies while
14 working there. I was also the first clerk appointed
15 for the community court.

16 I just wanted to reiterate some things
17 that have already been said by some of our judges,
18 Judge Johnson, Judge Spencer and Judge Greene. I
19 wanted to say that community court has brought about
20 a great transformation in the lives of many, many
21 people. I have seen and witnessed many individuals
22 come through the program. I mean, people who have
23 been repeat offenders come through the program and
24 once they come through the program, they have done a
25 total 360 in their lives. They have just undergone

1 major treatment that they would not have otherwise
2 completed had it not been for community court.

3 Also I have seen community court establish
4 the rehabilitation of individuals as I said earlier,
5 recidivism rate has decreased in our community.
6 Programs such as community court, housing court, DV
7 court and victim-witness programs have helped to
8 transform lives for the good of our community.

9 I ask what is justice about if not to
10 help, to remove criminals off the street permanently
11 and positively.

12 MR. ATTRIDGE: Thank you very much.

13 MR. SAMPSON: I have a question. Thank
14 you very much, Ms. Ryan.

15 Somebody else can help with the answer to
16 this question. Just how large is community court in
17 terms of staff, approximately how many? Are there
18 any numbers you can give us in terms of the number of
19 persons that are seen on a regular basis in that
20 court, either on a monthly or on an annual basis?
21 Can you hear me, Judge?

22 JUDGE RILEY: Yes. I am going to be at
23 the end. I will answer your question now, but I am
24 the last speaker. Right now my division handles
25 about five to 6,000 people and we believe that is

1 about the max of a community court. Actually 5,000
2 is a couple too many. But 5,000 people per division
3 in the community court is about the max you can do.
4 We are on target to do about a thousand assessments a
5 year in my division. I will speak to all those
6 issues later.

7 MR. SAMPSON: Thank you very much.

8 MS. COLLINS: Good afternoon. My
9 names is Sharon Collins. My address is 587 Formwalt
10 Street. When I entered the room, there was less than
11 ten people here, so I hope you are saving the best
12 for last.

13 MR. ATTRIDGE: Of course.

14 MS. COLLINS: I am a native Atlantan
15 proudly. I am a past chair of MPUV and currently the
16 president of the Mechanicsville Civic Association. I
17 am a member of the license review board for the City
18 of Atlanta and serve on a number of other boards
19 throughout the city.

20 My involvement with the neighborhood and
21 the City of Atlanta goes back over 30 years, so I
22 speak today with some experience. I am a member of
23 the executive body of Weed and Seed as well. Our
24 community was the first neighborhood for the City of
25 Atlanta to be a part of the Weed and Seed community.

1 I am here to speak on behalf of the
2 community court and the housing code entity of the
3 Municipal Court because those are the two things that
4 have affected my neighborhood the most. We have had
5 a string of crimes over the last few months. We are
6 very concerned about it, but the one assurance that
7 we have had through community court is those people
8 who are arrested are brought back into that
9 neighborhood to make those victims feel that they
10 have some type of vindication with them themselves.

11 I myself personally when my car was stolen
12 from downtown had a person from the victims
13 protection to go with me to court because my car was
14 stolen by a gang. And I was unaware of it at the
15 time but I didn't know there was any harm in going to
16 court. But when you are facing that situation, those
17 are things that really mean a lot to you.

18 I have worked with the different entities
19 of the community court, and I have seen a lot of
20 people come through that and it has changed lives in
21 my community. It has made a lot of difference. We
22 have not had the opportunity with Fulton County
23 because of the vastness of the county to have that
24 type of relationship with them. When we call, they
25 say, you need to call the City of Atlanta, because we

1 don't cover that particular area.

2 So we need to make sure before we change
3 what we are doing that we are changing for the
4 better.

5 Zone 3 where I live is one of the largest
6 zones in the police precinct. There is about six
7 housing projects that that zone covers. Over the
8 past ten years, that zone has been 25-percent
9 understaffed. Any time that a police officer has to
10 take more than an hour off of the beat, that means
11 that that increases that number. So we are very
12 concerned about that particular time frame that we
13 have been given here today. And we also are in the
14 middle of the Turner Field situation. So any time a
15 police has to be taken away from our neighborhood to
16 deal with any other areas or any time that the police
17 officer is not in access to the communities that they
18 are to serve, then we as a community have to suffer
19 through that.

20 So whatever decisions are made here today,
21 I would hope that you would take these comments into
22 consideration.

23 Are there any questions?

24 MR. ATTRIDGE: Thank you so much.

25 MS. GERBER: After Ms. Johnston is Ms.

1 Walker.

2 MS. JOHNSTON: My name is Katherine
3 Johnston. I am vice president for finance and
4 administration at Georgia State University. The
5 police department at Georgia State is one of the
6 units in my organization. I would also like to tell
7 you that President Patton would have been here today
8 if he had not been out of town, so I speak for him as
9 well today.

10 Georgia State University supports the
11 therapeutic courts concept and especially the
12 expansion of community court. Philosophically we
13 believe that the most effective way we can deal with
14 low level crimes, misdemeanors and ordinance
15 violations is to look at the underlying causes and
16 solve the underlying problems. The only court in the
17 city that can do that in our opinion is the Municipal
18 Court system and specifically the community court
19 divisions.

20 Our police department has recently started
21 sending ordinance violations to the city. The city
22 can now anticipate an increased caseload for the
23 change. We would also like to begin sending our
24 criminal trespass misdemeanors to the community court
25 so that we can get these violators into treatment

1 programs.

2 This would require a change in the current
3 protocol which we support. A more appropriate
4 handling of these quality-of-life violations is very
5 important to Georgia State University. Over the last
6 two years our enrollment has increased by more than
7 20 percent. In addition we have opened a new
8 classroom building in the Fairley-Poplar
9 neighborhood. Actually it is a beautiful building, I
10 hope you go see it sometime. Thousands of our
11 students now cross Woodruff Park each day for classes
12 in this new building.

13 As many of you know the park is a prime
14 spot for violators. Our police department is charged
15 with oversight of the park. Our police send the
16 violators to state court where they are almost
17 immediately released, they return to the park and
18 they can start resuming the offending behavior. We
19 need a more permanent solution to this persistent
20 problem to create a safer, more secure environment
21 for our students.

22 Thank you for the opportunity to talk.

23 MR. ATTRIDGE: Thank you for coming. You
24 are saying that your policemen, when they take a
25 violation to the State that they don't get handled

1 properly. Tell me what you mean by that.

2 MS. JOHNSTON: What I am told by the chief
3 of police at Georgia State University is that they
4 are taken out there, then they are brought before the
5 judge and the judge generally releases them for time
6 served. Sometimes they are back at the university
7 before the police officer who arrested them are.

8 So what we would like to do, many of them
9 who live in the park, "loosely live" --

10 MR. ATTRIDGE: We understand that.

11 MS. JOHNSTON: -- and use our public
12 restrooms in our buildings, hang out in our
13 buildings, it is pretty scary for an 18-year-old
14 student who has come to school down there to see this
15 kind of behavior.

16 They are mentally ill, they have abuse
17 problems, they need to get into treatment programs;
18 and just, you know, arresting them and taking them to
19 court, getting them released on time served and then
20 back to the parks and our buildings is not really
21 accomplishing anything.

22 MR. ATTRIDGE: But they can document that
23 taking them to state court they don't get appropriate
24 punishment or whatever.

25 MS. JOHNSTON: Yes, yes.

1 MR. KADISH: That was my question.

2 MR. ATTRIDGE: Thank you and our best to
3 Dr. Patton.

4 MS. JOHNSTON: Thank you.

5 MS. WALKER: Good afternoon. Members of
6 the board, Mr. Chairman. My name is Pearline Walker.
7 I am a resident of the Pittsburgh community and I am
8 also a member of the restorative board. I am also a
9 member of PCIA which is Pittsburgh Improvement
10 Association.

11 The restorative board is a creation of
12 Judge Riley's community court and it works in our
13 Weed and Seed neighborhood to bring leaders and
14 offenders face to face. We are able to mandate GED,
15 health and wellness education, job training,
16 community service and most importantly we let them
17 know the types of behavior, certain types of behavior
18 is not acceptable in our community from the
19 offenders.

20 The City of Atlanta, especially the
21 Municipal Court, deliver services effectively and
22 efficiently to our neighborhood. Each week or so in
23 our neighborhood, at the Dunbar Center, community
24 service workers from the Municipal Court are doing
25 their part to keep our streets clean and safer. On

1 many occasions Judge Riley himself has participated
2 side by side with offenders doing their community
3 service. This is an example of shouldering
4 responsibility. It is not wasted for those youth
5 offenders and the leadership of our neighborhoods.

6 I would like to say, I would like to
7 further say that I can attest to the fact that Judge
8 Riley does get out there and work with us, with us in
9 our neighborhoods, that he cares about the
10 neighborhood; and we are very appreciative of the
11 persons that he sends into our neighborhoods to
12 perform community services.

13 Thank you very much.

14 MS. ROSEBOROUGH: Ms. Walker, before you
15 get too far away, would you make sure the court
16 reporter has your address. Thank you for your
17 remarks today.

18 MS. GERBER: C.T. Martin.

19 MR. MARTIN: I am C.T. Martin, a member of
20 the Atlanta City Council. Today I speak only as a
21 citizen and a member of the community.

22 I have had eight years exposure to
23 community court, court system, streets and probation,
24 public defenders, solicitors, police, just in
25 general, the criminal justice system here in our

1 city. And I beg to say that I probably am going to
2 say some things you like and some things you don't.
3 But in representing the citizens, that's one of the
4 decisions that I have to make.

5 I served on the charter review commission
6 that also reviewed our court system. Sam Massell,
7 the past mayor, came to us and said, as you look at
8 and try to assess what is needed for the charter
9 commission, you have to think in terms of race, crime
10 and taxes.

11 When I think of race, 68, sometimes as
12 much as 87 percent of the people that go through the
13 court systems are black which brings me to a question
14 about why only Georgia State, why not Clark Atlanta
15 University, why this body is not more diverse, in its
16 role. But I am sure that there is an answer for
17 that.

18 Without prejudice, I want to say that
19 under the circumstances -- and the circumstances have
20 been brought out to me very clearly by quite a few
21 people who articulated the misery as well as
22 therapeutic and other kinds of innovative strategies
23 that our court systems have tried to work with this
24 problem. So I go back to say under the
25 circumstances, they operate one of the best court

1 systems that I have seen.

2 In my other life, I travel to 36 cities in
3 America. One of the days I am in those cities, I get
4 an opportunity to go and visit and look at the
5 criminal justice system there and the planning
6 departments and the various units of those
7 governments. And I can say to you, I am happy with
8 what I see in our courts, given what they are having
9 to deal with.

10 Let's talk about communications. I am
11 kind of trying to understand at 2:00 to 4:00
12 o'clock, who did you want to be here if this is a
13 public hearing? Most of our people, the 63 percent
14 that make up the poverty, 47 percent of them being in
15 poverty can't be in a corporate building from 2:00 to
16 4:00 o'clock, who would you want to be here today to
17 give you a sense of what is happening in the courts,
18 how people are being affected. Can you answer that
19 for me?

20 MR. ATTRIDGE: We probably won't here.

21 MR. MARTIN: In looking at the directive
22 that came out of the Mayor's office, it speaks of No.
23 6, panel should provide notification of meetings to
24 the public and minutes of the meeting should be made
25 available to the public through the web site or other

1 means of distribution.

2 As a member of the governing body of the
3 City -- and I checked with our municipal clerk whose
4 name is on this letter, Page 2 of it, Ms. Rhonda
5 Johnson, she had no minutes. She checked the web
6 site, seemingly there was nothing there because we
7 have a responsibility to do our due diligence. So I
8 would like copies of minutes. I assume those books
9 there represents the minutes of something. But I
10 serve on the public safety --

11 MR. ATTRIDGE: I will respond to that in a
12 minute. Go ahead.

13 MR. MARTIN: I serve on the public safety
14 committee and I would hope since that committee has
15 purview of the courts that we would have been advised
16 or kept abreast of the minutes.

17 I have a concern about the panel. Even
18 though the Mayor appointed it, in her purview of
19 executive order, she can do that.

20 I would like to pose in my next
21 communication question, that is how many of you use
22 municipal courts, how many of you sitting up there
23 use the municipal courts, use the traffic courts. I
24 think most of you are corporate lawyers. That really
25 concerns me. Because I think a lot can be missed in

1 this 90-day window, particularly when you heard Judge
2 Calvin Graves speak of the 18 months that was put in
3 the national study.

4 Because of my responsibility at that time
5 as chair of public safety, I read page by page;
6 because I have an interest in law, three members of
7 my family have taken the bar in various cities. And
8 I am interested in justice, particularly restorative
9 justice. As you have heard, quite a bit of our
10 problems span (inaudible).

11 I am concerned about the experience of
12 this body which is august, which is fine. I want to
13 thank you for agreeing to serve, because we always
14 appreciate people that serve our city. But in terms
15 of experience of what happens in this level of court
16 that we have been speaking about that is before us,
17 where the experience may or may not show up, I would
18 suggest if you decide to do an extension on your 90
19 days, some time is spent in the courts, as I have had
20 in order to be able to fully understand how they
21 function, not being a lawyer myself. But also
22 witness the day-to-day stress of these judges in
23 terms of the population that they are having to deal
24 with.

25 Also I hope that I don't know -- I don't

1 know whether you have any or not, I haven't seen your
2 scope of work, whether or not you look at the
3 appellate courts. My experience is that most of the
4 case work and the renderings of these judges is that
5 very few appeals have been won. So apparently they
6 are doing their job. I may be wrong.

7 I don't know in 90 days how much caseload,
8 how much workload you have been able to analyze.
9 Only you can make that determination.

10 The Atlanta city charter is our rule book,
11 and there is an expression of the will of the City
12 that is demonstrated through that. I am sure many of
13 you know, you may not have looked at the election
14 returns, all of the judges -- there is a yes and no
15 question, shall they return after they are appointed.
16 The chief judge of Municipal Court received in the
17 last election 42,981 votes, so apparently the public
18 has point of approval there; and none of the judges
19 received under 38,000 votes. I hope that plays
20 somewhere into your sense of value and respect that
21 apparently this body have because that's where the
22 people speak. They have spoken for four terms, 14
23 years for my representation of them.

24 Who should conduct this study in our legal
25 form, how long should the study be conducted. Of

1 course, we are looking for objectivity there so I
2 hope that adequate and sufficient time is given for
3 the caseload reviews, understanding any one of these
4 cases may require delays, resets, tests, referrals
5 for further analysis because we ask our judges to
6 exercise judgment and to be fair and to do due
7 diligence because of the issue of, one, being fair to
8 our citizens, but also I am sure that they at their
9 level of professionalism do not want to be overruled
10 in their fields and do not want to be rushed as they
11 work with the community. There are some people that
12 have had some interesting experiences with our judges
13 but I hold them in high esteem because I know a
14 little bit about the law.

15 A judge like Judge Riley and I have
16 cleaned graffiti off the buildings in the community.
17 Some judges don't go into the community and I
18 understand why. But Judge Riley being in the
19 community with me versus another judge because
20 judges, I think, have to stay away from their people
21 they have to make decisions about in some cases. So
22 in that sense, Judge Riley is unique. But I have
23 suggested during the time I was the chair of public
24 safety that all of the judges visit NPU meetings in
25 the community, understanding they will be asked to

1 say things that by their canon codes they cannot say,
2 they will be asked questions because on a grass roots
3 level people have questions. I understand they can
4 come under danger of being out there and having to
5 deal with some people they have had to rule in
6 judgment on. So I understand that.

7 Another question that I would like to
8 raise to you is your budget. I hear that you are
9 using, again, Georgia State, that's fine, I
10 appreciate that university, I assume some of my
11 taxpayers dollars go for it, but, again, CAU, of
12 which I am a graduate, we turn out some pretty
13 reflective, intelligent people over there. On the
14 diverse issue, since it is about judging our peers
15 and representation from the whole community. You are
16 writing them down, I would like to know what your
17 budget is, what you have been given, because the
18 quality of your resources will have a lot to do with
19 the quality of your product you eventually give us,
20 your citizens.

21 Remember the education system has let a
22 lot of these young people and these people that the
23 judges have to work with down. Our system has let
24 them down. I don't have to go over that, people have
25 told you about it. But we do know that extreme

1 stress factors for everybody that works in the
2 system, the judges, the bailiffs, the public
3 defenders, the pretrial, the counselors, you name it,
4 everybody is enduring the level of stress. So I have
5 an appreciation for them.

6 Again, I hope that you extend the time.
7 This looks like something, and since I have had an
8 opportunity to work with President of the United
9 States, with the state level, with the county level
10 and have studied government extensively, I hope it is
11 not what it looks like. I remain optimistic that it
12 is an objective body with an objective goal and
13 mission to be of service to our citizens and
14 certainly not a disservice to any personality
15 scenarios that may have been presented anywhere.

16 If I had to observe this body today, I
17 have been here since you started, there are some
18 things that seem to be of more interest to this panel
19 than others, for instance, why not consolidate.
20 Quantitative figures sometimes on situations and on
21 circumstances that you cannot just always lay on the
22 table, but I hope that they are there, are to be made
23 available to you, specifically pinpointing time
24 factors.

25 People in the community know because they

1 recognize and see some of the people back out there,
2 I don't want to belabor the point of what is
3 happening to our officers but I could tell you some
4 interesting stories about that in terms of
5 adjustments they have had to make in their life. We
6 know they are sworn officers and they have to do what
7 they are asked to do. None of them have indicated
8 they are not going to do that. The interesting
9 situation about this whole scenario, the timing, the
10 panel, and the so-called saving \$11 million in the
11 budget all come right at a critical time. All of
12 us -- and I am not speaking for anyone else -- of
13 the people I have had discussions with have had
14 absolutely no problem with a transformation with
15 changing because change is inevitable but there is a
16 concern that it looks more like it is tied into
17 fixing a budget problem than fixing a systemic
18 problem, that is, how the courts function and are
19 they functioning well and is the purpose of this
20 panel to really assist with new ideas, innovations,
21 strategies for a good system.

22 Now, you said you were going to answer my
23 questions.

24 MR. ATTRIDGE: I will certainly try to
25 respond to some of the issues you raised with us.

1 No. 1, the budget, everybody here is serving pro
2 bono. So far as I know, the city has not been
3 charged the first dollar for anything this committee
4 or panel has done for the last two months; and there
5 is no suggestion that it would be charged.

6 If your suggestion was we should have a
7 budget in order to be productive, that's all right,
8 too. We would be happy to have whatever the City
9 Council would like to give, not as fees, but get it
10 to work. But that's the answer to your budget issue.

11 You will just have to take up with the
12 Mayor your disagreement with the committee or the
13 diversity of the committee. It happens to be 50/50
14 as far as African-American and white or however you
15 look at it. If you think that the diversity should
16 be higher on one side or the other whatever the
17 percent is, you take that up with the Mayor.

18 Most of the people here are trial lawyers,
19 they are not corporate lawyers or whatever. I am not
20 sure exactly what -- everybody means something
21 different sometimes by that. We are working trial
22 lawyers and we are beholden to a lot of courts in a
23 lot of places all over the country, and certainly
24 over all the metropolitan area which raises the issue
25 of minutes.

1 We have kept notes on all interviews. We
2 have not gathered together as this five lawyers,
3 actually six, as I mentioned, I don't know whether
4 you were here but Paula Fredericks is away. She is
5 on business, bar business, as a matter of fact. We
6 haven't kept any minutes as such on that. Each one
7 of us, we send out one or two people to interview.
8 We have interviewed a number of people that are here
9 in the audience. It is usually one on one or two on
10 one, maybe we have done it as much as three, I don't
11 recall. But that's about the only way that a panel
12 like this could work.

13 We make, we write down not minutes but
14 notes of interviews and we have collected a number of
15 documents that we have gone about to try to handle
16 the scope that the Mayor has given us. These are not
17 minutes, a lot of them are documents, though. For
18 instance, the National Center of State Court report
19 which has been referred to on the traffic court, one
20 the things like that.

21 But if there is some information that we
22 have got that you would like to have, we are happy to
23 have you ask us about it, get it. But that's just
24 the way we operate. There is not any other way of
25 getting this job done.

1 I can't tell you what a difficult time it
2 was to get this group together for a meeting, get as
3 many as we could here, five out of six of our panel
4 together because they are practicing, most of them
5 trial lawyers and, it is not an easy thing to do.

6 I appreciate your comment, however, about
7 the time and should we and we very well may have
8 other than these. I take it that you would prefer
9 that it be in the evening, after 6:00 o'clock or so;
10 is that correct?

11 MR. MARTIN: It depends on who you want to
12 hear from, what you want to hear. We all know that
13 as we do our budget public hearing meetings they are
14 after 6:00 o'clock.

15 MR. ATTRIDGE: Is that right? Well, then
16 I am asking you, if we have other meetings, like this
17 for a public meeting, would it be your best judgment
18 it would be better to have it at 6:00 o'clock?

19 MR. MARTIN: I would think so.

20 MR. ATTRIDGE: We will consider that.

21 MR. MARTIN: Based on No. 8, though, you
22 have to have the report in by February 28th. So are
23 you saying you have time for another public hearing?

24 MR. ATTRIDGE: Well, I don't know whether
25 we will or not. We very well may, we very well may

1 not. By the way, I am always happy and I know that
2 the members here are always happy to hear from you or
3 any other individual that we have. I think we have
4 responded to every phone call that we have had about
5 this matter. Frequently we have responded by letter
6 or note.

7 We have interviewed many people across the
8 board, not everybody that we want to. But as you can
9 imagine, we have had two months and Christmas and
10 Thanksgiving and Martin Luther King, these holidays,
11 we have been through that, many of us have been
12 working during that time. I think that it is a
13 hard-working crowd.

14 I think frankly you would be proud of us
15 if you knew what all has been done. I hope you will
16 let us know that if there is something said,
17 something about what it looks like. I don't know
18 what it looks like, but I think this is an
19 independent crowd that you are looking at here. I
20 mean that. I think you will be happy with it.

21 MR. SAMPSON: I would like to, if I might,
22 just thank Mr. Martin for his comments and say that
23 as regards to any future hearings if indeed any take
24 place and maybe there will be, that's certainly an
25 option, but that certain people that you feel might

1 be helpful to come, we would appreciate, you know,
2 having any such list or any such names that you might
3 want to offer in that regard.

4 But your comments were well taken, they
5 were heard and were appreciated.

6 MS. ROSEBOROUGH: I want to echo the
7 compliment to you, Councilman Martin, for coming here
8 to speak to us today. We know that you are also
9 very, very busy. It takes a lot from your schedule
10 and responsibilities to come here.

11 If I could ask you a question; a lot of
12 comments that we have heard today, and I take your
13 point about that in choosing a time of day we may
14 have limited the number of people that have been
15 available to come and speak to us today but the
16 comments we have heard today have focused I thought
17 primarily on two different areas. One is the impact
18 on our public safety officers and their availability
19 to citizens in the street based on changes that might
20 happen with these courts; and the second has been the
21 impact of the community court and the role it is
22 playing with the restorative justice and how that has
23 benefited neighborhoods and constituency and victims.
24 It seems like those are areas we need to get some
25 particular focus and further study. I am wondering

1 if there are any other areas like that that you would
2 point this commission to as areas in which we might
3 need additional work or might make sure we have an
4 opportunity to hear from additional people before we
5 conclude our work.

6 MR. MARTIN: Well, until I have a copy of
7 your scope of work other than what is here, I assume
8 after you had your first meeting, you assembled
9 everybody, you either tasked out your work, you
10 decided on your goals and your functions, the meat of
11 what you wanted to get at to arrive at something
12 somewhere, it says here more efficient, effective
13 court, things of that nature, to my knowledge. Have
14 you been at any of the Criminal Justice Coordinating
15 Council -- are you familiar with the Criminal Justice
16 Coordinating Council?

17 MS. ROSEBOROUGH: I am not. I will admit
18 to sufficient ignorance to come to this process
19 without any preconceived notions. I particularly
20 appreciate all that you are able to point us to and
21 help us focus on areas that we should include in the
22 scope of our work. Thank you.

23 MR. MARTIN: Well, the Criminal Justice
24 Coordinating Council, there is one at the local level
25 which is an idea of now Superior Court Judge Marvin

1 Arrington when he was the president of council, there
2 is a county Criminal Justice Coordinating Committee
3 and there is a state Criminal Justice Coordinating
4 Committee. That is a body of everybody involved in
5 the system, practitioners, users, judges, lawyers,
6 DA, sheriff, police, everybody comes and they talk
7 about the penetrating problems, and in particular

8 working on better communications and being able to
9 catch some of the people that have been slipping
10 through the system by giving a one-digit ZIP Code or
11 one-digit Social Security number or some kind of new
12 name or anything of that nature. But just in general
13 to work, it goes in conjunction with the study.

14 I mean, there may be someone of the
15 assumption these judges and this whole system has not
16 been working to improve themselves and it has in so
17 many different ways. And it is disturbing to me if
18 no one has briefed you that set this up, did not
19 brief you on actions and the role of the Criminal
20 Justice Coordinator. I mean, they have minutes and
21 things that they can share with you, what they have
22 worked on. One in particular, dealing with police
23 was we had a problem with police showing up to the
24 courts and that is one of the things that by working
25 on that council, police chief and the judges were

1 able to work through just that issue alone.

2 Time is of the essence in all of what goes
3 on in this process. There is some serious politics
4 in this complaint room. There is some serious
5 politics in this transfer; and I think this has, this
6 whole process has to rise above all that, and
7 eventually the council will have to make some
8 decisions on what is wrought. For instance, if you
9 decide to change the courts, it is the council and
10 the State Assembly that will play a major role in the
11 recommendation that comes from you to the Mayor that
12 still will have to come to the council, the governing
13 body, the legislative body.

14 On the issue that permeates all the
15 discussions on the community court, restorative
16 justice, is the philosophy of all these, more so in
17 Municipal Court than traffic court because it is very
18 technical and clear on violations over there. You
19 are dealing with many more human factors on this
20 level on how to make our criminal justice system more
21 fair.

22 We all know it is broken. When you read
23 what the state Superior Court judge said about
24 indigent care, the system is unfair, poor people
25 don't get a good shot out of it, and the victims

1 don't. But this is a body of people that I have
2 witnessed that have been trying to make it work. I
3 would like for the atmosphere to be more of a team,
4 all of us being a team, not an atmosphere that
5 somebody has been put together to get somebody
6 because there is nobody to get. We are here doing
7 God's work on this earth. These are His people.

8 MR. ATTRIDGE: Again, we are under the
9 same, too, same, too, with us.

10 MR. MARTIN: I hope it is a team effort,
11 other than, you know, other than getting somebody.
12 Because ain't nobody perfect.

13 MS. ROSEBOROUGH: Councilman, I don't know
14 if you were here, Judge Johnson --

15 MR. MARTIN: I have been here before you
16 guys got started, I wanted to see it from the
17 beginning as people come in, how they were seated,
18 who they whispering to and what they were talking
19 about.

20 MS. ROSEBOROUGH: I was wondering whether
21 you had a reaction to Judge Johnson's thought about
22 the possible creation of a unified court system so
23 that there would be a sort of one-stop shop that
24 would be an entry point for everybody, same entry
25 point for everybody that comes into the justice

1 system, if you had any reaction to that.

2 MR. MARTIN: I tell you what my reaction
3 is, I noticed as soon as he said it, seemingly y'all
4 fell in love with it. Judge Johnson like all the
5 judges, like everybody that comes in today, have some
6 ideas that they have been thinking about. They may
7 or may not be intimidated by what they may think
8 y'all's roles are. They may have been thinking for a
9 long time. I can't get into Judge Johnson's mind.
10 But as Judge Calvin Graves said, I believe all of us
11 are open to put everything on the table and let's
12 look at it and what works the best with everybody is
13 what we all want. We want your ideas, we want their
14 ideas, we want people in the community, the
15 practitioners such as the Mercy people, we want
16 everybody's ideas so that we can come up with the
17 best system to deal with God's children.

18 MR. KADISH: I just want to make sure that
19 you weren't suggesting that the Honorable Howard
20 Johnson who served this community for 30 years might
21 be intimidated by questions from this panel. You
22 weren't suggesting that, were you?

23 MR. MARTIN: Let me put it this way,
24 that's a question we often have as we try to get our
25 citizens to come before the council. I think people

1 very easily can be intimidated by authority. Through
2 this letter here, y'all have been given a lot of
3 authority.

4 Now, I don't know, I can't get in his
5 head. I don't think he is intimidated, I don't think
6 any of the judges are intimidated. They are a point
7 of authority, as I have said, they have been elected.
8 But it could be that there are some people, I think
9 the reason why some retired people who could have
10 been here at 2:00 o'clock, even though they know
11 about this meeting or know about the possibility,
12 what all this is about; but people have a tendency,
13 lay people have tendency to be intimidated by people
14 who they know have authority.

15 MR. KADISH: That wasn't the question, but
16 I appreciate your answer.

17 MR. MARTIN: I am not going to answer that
18 question any other way. I wouldn't think Judge
19 Johnson is intimidated, either. I said there are
20 some people that could. I didn't single him out.

21 MR. KADISH: Just to put your mind at
22 ease, this is a really hard-working group and I had
23 the honor to sit on that court with Judge Johnson,
24 with Judge Greene, with Judge Malicki and I don't
25 know who else is here. Oh, Elaine Carlisle as a pro

1 hac judge in 1991 through 1993, and I think it is a
2 splendid court as I think the traffic court is a
3 splendid court.

4 I am a practitioner, I am a criminal
5 defense lawyer, and I am familiar with the system. I
6 wanted to put your mind at ease that somebody here
7 knows the group and is trying to view this matter in
8 an extremely objective and healthy manner.

9 MR. MARTIN: I hope you are not a minority
10 on the group.

11 MR. KADISH: I am not a minority -- I am a
12 minority because I am Jewish.

13 MR. ARCANGELI: I am Lou Arcangeli. I am
14 here as a citizen of Atlanta. I recently retired
15 from the Atlanta Police Department. I was a police
16 officer for 29-1/2 years. I did have occasion in my
17 youth to bring several clients to Mr. Mark Kadish who
18 he represented ably. I convicted them, he
19 represented them ably, but I convicted them.

20 MR. KADISH: A great police officer you
21 were.

22 MR. ARCANGELI: But I am here primarily as
23 a customer of the courts. I think the question arose
24 initially, is can we afford Municipal Court. Well,
25 as a customer of the court, both as a police officer,

1 I have been a victim of crimes, I have been a witness
2 to crimes. I have never been a defendant in a crime,
3 but all of those people are customers of Municipal
4 Court.

5 The police officers I think have been one
6 customer component that hasn't really been focused
7 on, particularly given the time and the process. As
8 you look at essential services, I would argue that
9 the police are the people who have the most contact
10 with crime victims, they have the most contact with
11 the court. One of the differences between the
12 Atlanta and the DeKalb court systems -- and as we
13 were recruiting police officers, we tell them that,
14 we tell them if you arrest someone in DeKalb County,
15 you are going to get to know them. You are going to
16 accompany that person to the Magistrate's Court, you
17 are going to have a warrant typed up, you are going
18 to escort them to the jail and the process is going
19 to take you probably two hours, sometimes longer if
20 it is a serious case or if it is a case involving
21 multiple witnesses or circumstances involving
22 evidence that has to be taken to the property room,
23 things like that.

24 We told them, in Atlanta, you arrest the
25 person, you write a citation, give them to paddy

1 wagon driver, take them to jail. In some cases you
2 are required to come to court, in some cases you are
3 not. Those are things that evolved over time as
4 Municipal Court strove to meet local requirements.

5 Our Municipal Court has met local
6 requirements on many occasions. While I have on
7 occasion criticized the court and will continue to in
8 my role as citizen or police officer, for the most
9 part our court is responsive to Atlanta's needs.

10 Mr. Martin and others have informed the
11 committee that there are some agendas here. Of
12 course there is agendas here because we are talking
13 about scarcity of money, scarcity as we compared
14 Atlanta to Fulton County and what percentage of tax
15 allocation we get versus things like that. That's
16 all above my pay grade, I don't understand that. I
17 would ask that you consider those factors as we look
18 at the cost of Municipal Court because the original
19 question was can we afford it, I think we really have
20 to afford it. I don't think we can afford not to
21 have it.

22 During the Olympics, I was deputy chief in
23 charge of planning for the Atlanta Police Department.
24 As we prepared for the Olympics we knew we would have
25 traffic problems, access issues, international

1 arrestees. Municipal Court created a special -- it
2 was then a trailer, I don't want to call it a trailer
3 court, we had a modular court that was set up over
4 near the Olympic venues, we were able to process a
5 number of the crimes that came through expeditiously.
6 They supported the police, the Georgia State Patrol
7 and other people in our mission to implement a safe
8 Olympic games.

9 Also we were looking out for one of the
10 neglected customers of the courts, and that was the
11 defendants who didn't have to go to the court
12 downtown, find their way down there. They were able
13 to get to places closer to the transportation modules
14 every day.

15 When you look at costs, please examine the
16 best practices and remember people have agendas here.

17 If you ask Mr. Howard why he has a
18 complaint room, he will tell you for efficiency. But
19 that's for the efficiency of Fulton County, for the
20 efficiency of the district attorney. Please consider
21 those efficiencies in terms of putting a stop watch
22 on police officers and examining their investment in
23 time.

24 In any manufacturing environment -- I am
25 not saying an arrest is a manufacturing unit -- but

1 in any manufacturing environment, you want to create
2 incentives for production, incentives for quality
3 work. If we eliminate the Municipal Court, aren't we
4 creating a disincentive. You have heard from the
5 deputy chief of MARTA, you are hearing from me that
6 there is or could be the inclination to down size or
7 downgrade charges.

8 It is not something we want to do to our
9 police officers. We want to create incentives, we
10 want to support that arrest process. We want to
11 analyze it and make sure it is working both for the
12 victim and the defendant and of course for the police
13 officers.

14 My last assignment with the Atlanta Police
15 Department was as a major in Zone 5. One of the
16 things I did because we did have concerns about the
17 court is I would go to community meetings, we would
18 see a police officer there, very rarely would you see
19 a judge, but occasionally you would see Judge Riley
20 or Judge Carlisle or others come to community
21 meetings. During election years you see State judges
22 and others, but you don't see them any other time.
23 But we did court watch and we actually picked up
24 people from the neighborhoods who were impacted by
25 quality-of-life offenses. We drove them to court, we

1 let them watch the court.

2 Invariably of the three times we conducted
3 court watch, the citizens were amazed that things
4 went so well. They were amazed that the judge was
5 receptive to their input even though they weren't a
6 victim. Many of our quality-of-life crimes do not
7 involve victims. The smell of urine I think affects
8 everybody in the area but no one comes to court as a
9 victim as being exposed to those noxious behavior.

10 Our Municipal Court deals with those
11 quality-of-life issues, they accommodated and worked
12 with the police force during my 29 years there. I
13 would hope as you bring a fresh insight to this
14 process that you remember the officers are an
15 integral part and that we want them without carefully
16 evaluating their time, actually putting a stop watch
17 on it, I think we are penalizing them by any
18 consideration of changing or doing away with
19 Municipal Court.

20 MR. ATTRIDGE: We are very aware of the
21 police time. The reason I was asking the lawyer who
22 was Mr. Scheib the questions that I was is that I was
23 trying to find out where the delay is, you understand
24 what I am saying.

25 MR. ARCANGELI: Yes, sir. I believe the

1 answer to that is it is in the warrant and
2 preparation time for the magistrate. That was one of
3 the components.

4 MR. ATTRIDGE: I think that's what he
5 ended up saying. I think he wasn't exactly sure what
6 it was. That is why I was trying to get to the
7 bottom of it.

8 We recognize clearly an element of cost to
9 the City is the policeman's time and to suggest some
10 system that makes the police officers spend more time
11 in making up reports or whatever and not on the
12 street, and more time generally is a cost to the
13 City. That is something that we have known from the
14 very beginning. That's why we are getting into it.
15 And then as you say, there is different levels. And
16 we have talked to police and as I told several of
17 the -- maybe one or two of the people, this is what
18 we are hearing. We are hearing that there is a
19 backup.

20 MR. ARCANGELI: Yes.

21 MR. ATTRIDGE: We would like to know
22 about, determine why there is a backup. It fits into
23 the whole program, not because we are trying to set
24 up any system, we just want to find out if there is a
25 backup because we, in an optimum situation we would

1 like to find out, recommend some system where you cut
2 down on the police time and this sort of thing. I
3 want you to know that's right at the top of the list
4 although it may not appear to be at this time.

5 MR. ARCANGELI: One more thing is that
6 there are technology innovations that could be
7 supportive of this process. They haven't had time to
8 really kick in yet.

9 MR. ATTRIDGE: I think that's correct.
10 One of the things we are having to sift through is
11 how much of this is change. Let me tell you
12 something, if you think policemen have trouble
13 changing, lawyers are the worst for change of any
14 group of people on the face of the earth and we
15 understand that. And it is very difficult, I haven't
16 learned how to use a computer, and I likely should.
17 And it is just generational as well.

18 MR. ARCANGELI: I understand that. I am
19 retired, I understand that.

20 MR. ATTRIDGE: Some of the rest of you may
21 have some questions.

22 MS. ROSEBOROUGH: I was going to just
23 follow up, first my song for everybody, please,
24 Major, make sure your address is on record with the
25 court reporter we would appreciate it.

1 MR. ARCANGELI: It is.

2 MS. ROSEBOROUGH: In your being retired
3 have you had an opportunity to have casual
4 conversations with officers who have been involved
5 with the new process and procedures and do you have
6 any comments from them based on what they have
7 experienced in trying to process people through the
8 complaint room versus bringing them to the Municipal
9 Court?

10 MR. ARCANGELI: Yes. For the record, my
11 name is Lou Arcangeli, not major. I am retired, I
12 have no affiliation with the Atlanta Police
13 Department. I trust Chief Pennington to speak for
14 APD. I respect him. I think he is very capable of
15 doing that.

16 I did express some of those sentiments
17 regarding the time that it is taking in addition to,
18 some of it is change problems, some of it is
19 technology problems. The information is not coming
20 back and forth regarding APIS or other kind of
21 prisoner information. Some of the officers like the
22 complaint room and they find it does save them time.
23 Officers in specialized units such as the gun unit,
24 maybe larceny; but the officers who are in support of
25 911 services it is a different story. They have to

1 carefully evaluate their arrests. It is 9:00 o'clock
2 at night, I get off at 11:00, do I really want to
3 make this a complaint room case. Those are the
4 decisions that you want to create an incentive, not a
5 disincentive. Those are the kind of stories that as
6 a retiree I have heard.

7 Again, everyone is intimidated by this
8 commission. There are a lot of people who aren't
9 going to tell you the truth unless you go and watch
10 and measure. So I would encourage you as Mr. Martin
11 said, please, go to the Criminal Justice Coordinating
12 Council, go to the jail, go to the sally port, bring
13 a stop watch. Ask the cop in line. That's my
14 recommendation.

15 MR. SAMPSON: Thank you for coming as
16 well, thank you for your comments.

17 Those officers that are in favor of the
18 complaint room, what do they say, what do they cite
19 as the reasons for that, other than I like it?

20 MR. ARCANGELI: The primary reason is they
21 are able to make discretionary cases. They choose
22 when they make the arrest, they choose when they
23 execute the warrant. They are able to select, when
24 you are working narcotics, you know when you are
25 going to get a search warrant, you time it

1 accordingly. As a supervisor, you might book the
2 officers to work later in the evening. The officers
3 responding to domestic violence calls in a 911 call
4 setting don't have that flexibility. If they get a
5 case and it is a quarter to them getting off, they
6 realize now I have to type the report, have
7 everything in line, get it to the complaint room,
8 subject it to the discretion of the district
9 attorney, that's problematic to them.

10 I think a lot of officers resent the
11 discretion that is being taken away from them, the
12 discretion is being taken away from them by the
13 district attorney.

14 I know as a homicide detective, I arrested
15 people who I did not have all the evidence on. I met
16 the probable cause threshold, but I didn't have
17 enough to convict. A lot of our complaint room cases
18 the complaints from the officers are they are
19 required to have all the information in line for the
20 convenience of the Fulton County district attorney.
21 I don't think that's the way we want to police our
22 city. I think it is a question you should be
23 pursuing.

24 MR. ATTRIDGE: Thank you very much.

25 MR. KADISH: Lou, I wanted to thank you.

1 When Judge Riley told me you were going to be here,
2 my heart brightened. You are to be applauded as one
3 of the great police officers that have worked with
4 the City, I think everybody thinks so.

5 MR. ARCANGELI: Thank you.

6 MR. ATTRIDGE: We will probably be calling
7 on you for an interview before long.

8 MR. ARCANGELI: As a retiree I have some
9 free time.

10 MS. GERBER: Ms. Hall, Ms. Sloan.

11 MR. ATTRIDGE: We are going to take a
12 two-minute break.

13 (A recess ensued.)

14 MS. HALL: My name is Lucy Hall. I am the
15 director of Mary Hall Freedom House which is a
16 residential treatment program for women and women
17 with children located out in Sandy Springs. I am
18 also a part of the network of providers from the
19 Fulton Cares Network and I am here to speak on behalf
20 of Community Court Judge Riley. And I apologize
21 again.

22 Two points I want to make real brief. One
23 is there was a study conducted because I heard you
24 ask the judge earlier about studies, there was a
25 study conducted through our network of providers of

1 treatment services through Duke University and the
2 outcome of that was the one place where we did make a
3 substantial difference was in the recidivism. That
4 was the one outcome that really proved to be
5 effective. We didn't make a great mark on
6 homelessness, we didn't make a great mark on a number
7 of other things. But the one thing we did as a
8 collective group was see the number of court cases
9 reduced, the number of arrests reduced. The big
10 point of that whole outcome study was in the area of
11 justice. I just wanted to make that point.

12 Second, as we all know the good book says,
13 the Bible says, the least of these, those are the
14 ones who go through community court and come to Mary
15 Hall Freedom House. As the doctor at the VA has
16 already said, I can attest to 85 percent of the women
17 who have been referred from community court to Women
18 for Women which is the incarceration program, now
19 that has been suspended, they come straight from
20 community court, of those women who have come into
21 treatment, 85 percent of them are still sober and
22 productive members of society.

23 Two very important points I think you
24 should know as you consider what should happen with
25 community court. I can say a lot more. But that's

1 enough from someone who can barely talk.

2 MS. ROSEBOROUGH: When one of the speakers
3 was speaking earlier you offered some information
4 about differences between Fulton and Atlanta.

5 MS. HALL: Be glad to. In terms of the
6 number of people referred into treatment from Fulton
7 County, I can probably count them on my hand versus
8 the number who come from the city. And those women
9 have remained in Fulton County in terms of now they
10 are citizens of Sandy Springs who are employed, who
11 pay taxes, et cetera, et cetera. So to see them come
12 out of the City of Atlanta courts and as City of
13 Atlanta -- I can't even say residents because they
14 were homeless, literally, most of them are now
15 residents of Fulton County. But we get very few to
16 none in terms of referrals from the system of Fulton
17 County, in terms of Fulton County drug court.

18 MS. ROSEBOROUGH: There is no equivalent
19 restorative function in the Fulton County court
20 system that the community court represents in Atlanta
21 systems.

22 MS. HALL: No, ma'am.

23 MR. ATTRIDGE: Thank you so much. We
24 appreciate your work.

25 MS. HALL: Thank you.

1 MR. ATTRIDGE: Next.

2 MS. SLOAN: Good afternoon. I am Mary
3 Sloan. I am executive director of NAMI, Georgia. I
4 am going to tell you what NAMI is because I find that
5 many times people don't know who NAMI is.

6 NAMI is the National Alliance for the
7 Mentally Ill. We are a grass roots support and
8 educational organization that has been in existence
9 22 years.

10 Why am I here today. I asked myself as I
11 was sitting here since about 2:00 o'clock why am I
12 here today. I left work on my United Way proposal
13 which is due tomorrow and have waited all afternoon
14 to have my chance to support Judge Riley and the
15 community court. And that's how important it is to
16 me and to our organization that I be here to speak in
17 favor of the leadership that he has shown in the area
18 of jail diversion.

19 Jail diversion, I have provided a handout
20 which looks like this, What Is Jail Diversion. I
21 think all of you know what jail diversion is; but it
22 is an area that we need to do more of, not less, as a
23 society and certainly here in the city.

24 Judge Riley has been a leader in this
25 area; and as you have heard from a lot of people

1 speaking this afternoon, it makes a huge difference
2 in peoples' lives, it certainly makes a huge
3 difference in the lives of a person who has mental
4 illness and has come into adverse contact with the
5 justice system because of such minor offenses as
6 trespass, loitering, public urination, generally
7 making a nuisance of oneself, walking down the street
8 talking to someone that no one else can see.

9 This is a tragedy when someone who has a
10 mental illness and comes up against the justice
11 system because of the mental illness and then is
12 incarcerated. They become victimized in jail,
13 distraught families of persons with mental illness
14 call my office every day about a family member who
15 has committed a minor crime and is in jail.

16 Many of these situations turn out
17 tragically. Tragically because the person cannot
18 move toward recovery, tragically because a medical
19 problem requires a medical solution, not a legal one.
20 So what Judge Riley has been doing is a wonderful
21 thing. We need to do more of it, not less of it.

22 It is a public safety issue as well as an
23 issue for the person who has mental illness. It is
24 also an issue of using money wisely because when
25 someone who has mental illness is incarcerated, then

1 the services for the mental illness have to be
2 provided and now you are providing expensive services
3 on top of the cost of incarceration.

4 One of the resources that you may or may
5 not be familiar with about this issue is the
6 Consensus Project web site, www.consensusproject.org.
7 It is a wonderful web site. It has all the facts and
8 figures that I don't have with me this afternoon that
9 you may want to know and testimony from folks in law
10 enforcement, judiciary, mental health, all kinds of
11 people who are concerned about this problem.

12 One last thing I would like to say is that
13 as the city is moving toward resolution with the
14 Mayor's Task Force on Homelessness toward a
15 state-of-the-art solution to a problem that we all
16 see right out on the street here, this kind of court
17 that Judge Riley has been conducting feeds very
18 positively into a solution to get homeless people off
19 the street, into some humane services, first of all,
20 and then to a second layer of therapeutic services
21 that address the root causes of homelessness
22 including mental illness and can put them into
23 recovery and back into productive lives.

24 It can be done, it should be done, it is
25 what a great city is all about. Judge Riley has led

1 the way, I urge you to support him in his endeavors.

2 MS. ROSEBOROUGH: Ms. Sloan, can you give
3 us a little bit of insight into the difference
4 between when a City of Atlanta police officer
5 arrested someone with mental illness before the
6 community court was created versus after the creation
7 and whether you could compare that situation with
8 what happens in Fulton County?

9 MS. SLOAN: I think Judge Riley will be
10 able to answer that question a little better than I
11 because he has more history. But I can tell you that
12 Fulton County doesn't have in place what Judge Riley
13 has in place. He has a system, he has a method, he
14 has a track record, he has a success rate that is
15 enviable.

16 So I can tell you that across the country,
17 some of the issues that have been mentioned here this
18 afternoon are being looked at in a serious way and
19 the answers have been found in terms of trying to cut
20 down on the time the police officer has to spend with
21 someone, for example, with mental illness who needs
22 to be taken to a treatment facility or who needs to
23 be taken to jail or the court.

24 In Memphis the crisis intervention team
25 model that the Memphis Police Department uses cut the

1 time that has an officer has to spend dramatically
2 from about over an hour to about 15 minutes.

3 The more police officers we can have on
4 the street taking care of public safety issues,
5 instead of waiting around with someone who really
6 needs treatment and not jail, the better. So there
7 are public safety issues including the safety issues
8 that relate to the police.

9 MR. BETTS: I am David Betts. I have been
10 asked to come here for a couple of reasons. First I
11 practice law in downtown Atlanta in the Grant
12 Building. I have been in the downtown area all my
13 professional life. My father and grandfather both
14 practiced in downtown Atlanta. And I am committed to
15 the city.

16 The city is where I live, my children both
17 went to the Atlanta Public Schools. I believe the
18 quality of life of the city is directly related to
19 the involvement of the people in the city, with
20 everyone in the city, not trying to exclude one
21 another, but trying to be altogether a community.

22 I am involved with homeless issues with
23 Clifton Presbyterian Church and with an organization
24 called Joe's Place that tries to deal with
25 rehabilitation of men back to the practical living,

1 not on the street back to the practical living in the
2 world as productive citizens.

3 I have been asked to come here
4 specifically because of my involvement with the
5 Municipal Court over the last year and the politics
6 that have been involved in decisions that have
7 resulted in this panel being created as well. I
8 believe there is a serious problem going on that
9 Mr. Martin, one of my heroes alluded to. That is
10 that this city for whatever reason has decided that
11 the Municipal Court is somehow an unnecessary thing
12 that we have and that we really could reduce our
13 taxes if we could just get rid of the Municipal
14 Court.

15 Now, anybody that is not a fool would know
16 what would happen to the downtown area of Atlanta if
17 you did not have enforcement of life issues and the
18 fair treatment of people that are in need as well as
19 the fair treatment of people who are out to do people
20 evil. And the Municipal Court of the City of Atlanta
21 has become an important part of the revitalization of
22 this city.

23 Now, I want to just set out a little story
24 for you and then tell that you it is based upon
25 reality. Let's assume that a little more than a year

1 ago a slum landlord came to one of the Municipal
2 Court judges and said if you don't reverse your
3 decision that you just fined me this enormous amount
4 of money which is \$500 for not abiding by the slum
5 landlord rule, I am going to get you removed as a pro
6 hac judge because you are holding your office beyond
7 your term, because we know that the politics of the
8 city don't allow anybody to be replaced by you and so
9 you have been sitting there with two other judges for
10 a long time, about 18 to 28 years, you and your
11 colleagues have been serving the people of this city.
12 I am going to go raise hell by filing a lawsuit.

13 That judge said, well, you can do what you
14 want to, but I am not going to be intimidated by you
15 and reverse the decision because you threaten to take
16 me to court. Take me to court.

17 So that judge takes you to court. Now,
18 there is a statute in the state that says when a
19 judicial officer or any officer's term has ended they
20 are holding over and they hold over until their
21 predecessor of office is appointed. That statute
22 applies to any officer of this state, municipal,
23 county, whatever, elected or appointed. The case law
24 is clear on that.

25 The lawsuit is filed and immediately the

1 Mayor of the city in response to that lawsuit
2 discharges three judges who had served this city well
3 in a public setting, in the newspaper suggesting that
4 this is part of the cleaning house of corruption in
5 this city.

6 These three judges who are living saints

7 from my perspective, who were there when no one else
8 would be there, who helped build this city are not
9 given a retirement party, are not thanked for their
10 services to the city, are not congratulated by the
11 Mayor, are not applauded but are told to get the hell
12 out. And then the city council reacts to this by
13 appropriating \$25,000 for the defense of this judge
14 in this lawsuit that was brought purely as an act of
15 intimidation.

16 The judge files a counterclaim pointing
17 out this was all part of the process, it is a
18 completely fallacious suit in the opinion of his

19 counsel. But his counsel lets the City of Atlanta
20 attorneys' office know that he intends to defend
21 based upon this statute. And he gets a letter from
22 the City of Atlanta's attorneys' office saying, well,
23 you know the City Council approved your fees, but if
24 you take a position contrary to the Mayor, we are not
25 going to pay your fees.

1 Now, some people might call that
2 intimidation. Some people might not understand why
3 people are intimidated about this process.

4 Now, you have a building that is built
5 after a great fight to have an adequate place for the
6 court. Previous administration is forced to build
7 the building by court order, and the building is
8 starting to be built. The court is functioning well,
9 the court is doing its job, but we need to get rid of
10 it because we want to balance the budget on the backs
11 of judges that are really not very good anyway. They
12 are all just political appointees, they are just
13 hacks. They really are not good judges at all.

14 Now, that is the kind of thinking that is
15 going on somewhere in this city. And I don't
16 understand it. Because from my life experience the
17 heroes of the judiciary are the ones in the municipal
18 courts. They are the ones that have to deal with the
19 crazies and the people who can't even deal with
20 things for five seconds without going nuts and they
21 deal with things that nobody wants to deal with.
22 They deal with the problems that keep a city from
23 functioning. They don't deal with the sophisticated
24 criminal that doesn't interfere with day-to-day life,
25 they deal with the people who want to interfere with

1 the day-to-day life of citizens.

2 It is a thankless job, but my experience
3 is every one of those people that I know are geniuses
4 and are absolutely the best judges I know. Now, when
5 I was in law school, I had the notion somehow that
6 11th Circuit judges and federal judges and United
7 States Supreme Court judges were the best and
8 smartest and the rest of all that stuff were just
9 (inaudible) (indicating). But having practiced, I
10 have concluded the opposite is true. The people at
11 the bottom, the people who hear the sound of the
12 jailhouse door closing, who know what it is to have
13 to face people and know what justice is daily, they
14 are the ones that are the heroes. It is easy to do
15 the job up at the top. It is the job at the bottom
16 that we need the heroes for.

17 To suggest that this commission is to
18 decide if these heroes really need to be supported
19 and whether or not this is really just an unnecessary
20 foolishness, that we really could do better if we
21 turned it over to Fulton County, is in my view Alice
22 in Wonderland. And it is coming from a Mayor who
23 claimed to have the support of the black community
24 and I don't understand it. I am completely amazed.

25 I could understand if we elected a Mayor

1 who was in favor of putting the Confederate flag back
2 on top of the courthouse, I could understand it then.
3 I could say, well, now I know why it is happening,
4 but I don't understand as a citizen of this city and
5 somebody who has seen people serve and be treated
6 this way.

7 The only reason why I tell this story is
8 that I want you to understand there is a reason why
9 people might be intimidated because if you have given
10 28 years of your life to a city and then told to pack
11 up and get out and the newspaper implies that somehow
12 this is part of corruption, you can see why people
13 don't want to speak. You can see why people might be
14 afraid, you see why people may want to say, well,
15 don't bother me, just let me get my pension.

16 This is bigger than that. This strikes at
17 the heart of a successful city. I would urge each
18 one of you to embrace to the Mayor the need, she is
19 obviously getting advice from somebody else about
20 this, the need to have not only the present Municipal
21 Court but a larger Municipal Court that will be
22 proactive in the city because that will increase the
23 quality of life and that will pay for itself with
24 increased property value, increased taxes, because
25 the city will then become a more desirable place to

1 live and more people will move into the city to live
2 as opposed to going to Fulton County and then not
3 caring what happens in the city. And that is what is
4 frightening to me, to suggest that Fulton County
5 taxpayers are going to decide the quality of justice
6 for the City of Atlanta is frightening because those
7 folks don't care generally what goes on in the city.
8 They talk about it all the time, those Atlanta folks,
9 we don't know what they do down there, how can you
10 even live in Atlanta. That's what I hear constantly.

11 So the political nature of it, y'all need
12 to be aware of it, this is an intimidating process.
13 I am not intimidated by it, I haven't billed anybody,
14 I don't intend to bill anybody. I intend to
15 represent this judge to the best of my ability,
16 whatever the outcome is the outcome. But I can tell
17 you, intimidation is this.

18 MR. ATTRIDGE: Thank you, sir.

19 MS. ROSEBOROUGH: Please give the court
20 reporter your address.

21 MR. BETTS: David Betts, 44 Broad Street,
22 Suite 200.

23 JUDGE RILEY: Good afternoon. Thank you
24 all for having me. I am Bill Riley, I am one of the
25 judges for Municipal Court. My address is 170

1 Garnett Street, Atlanta, 30303.

2 I have some prepared remarks, of course I
3 only got halfway through writing them so it will be
4 extemporaneous on some of them. I tried to state the
5 focus of what your charge was. Let me say that my
6 division is fed by all of these other judges'
7 divisions and we did that initially because we
8 couldn't replicate resources. And so the things that
9 you hear that I do are really the things that they
10 all send me to do as they screen every day in their
11 systems to come to me. It is not the best way to do
12 it, it is not the way we hope to do it in the future;
13 but it was the way we had to do it with the limited
14 resources we had.

15 I think that you will, if you look all
16 over the country you will not find a court that has a
17 more integrated therapeutic system than the court we
18 have here today. We have over 40 regular service
19 providers and we can reach out and capture services
20 all over the country, and have.

21 I am not going to go through all our
22 service providers, you have heard from a couple of
23 them. But let me tell you some of the affiliations
24 we have. We have an affiliation with Grady Hospital.
25 We have an affiliation with Georgia State University.

1 We have an affiliation with Georgia Tech Research
2 Institute. We have an affiliation with the Emory
3 University School of Medicine. We have an
4 affiliation with Kennesaw State University. We have
5 an affiliation with the Georgia Department of Human
6 Resources. We have an affiliation with the Metro
7 Regional Board. We have an affiliation with the
8 Georgia Council on Substance Abuse. We have an
9 affiliation with the National Alliance of the
10 Mentally Ill. We have an affiliation with the Fulton
11 County Community Service Board. We have an
12 affiliation with AIDS Atlanta. We have an
13 affiliation with Antioch Baptist Church North. We
14 have an affiliation with Central Atlanta Progress.
15 We have an affiliation with Atlanta Weed and Seed.
16 We have an affiliation with the Pittsburgh
17 Mechanicsville Restorative Board. We have an
18 affiliation with the Fulton Juvenile Court. We have
19 an affiliation with the DeKalb Drug Court. We have
20 an affiliation with the Georgia Indigent Defense
21 Council. We have an affiliation with the Hispanic
22 Bar Association of Georgia. We have an affiliation
23 with the downtown Kiwanis Club and many more.

24 When I say affiliation I don't mean we
25 just say hello. I mean we do projects together. We

1 work on issues on a regular basis.

2 We have those providers that I talked
3 about a little bit, I won't go through them all but
4 we have a range of providers that we bring to the
5 table. Our providers can give prenatal care to some
6 young woman with an addiction. And we have a
7 provider that we can give hospice care to an addict
8 that is dying with AIDS, we don't want him in jail.
9 That is a broad range of services.

10 Our drug treatment ranges from one-on-one
11 treatment in the jail, for our most resistant
12 individuals for treatment to in-home treatment,
13 counseling families on addiction. We have everything
14 in between, including in-custody group, partial
15 hospitalization, residential, outpatient and
16 aftercare and many -- with many of the programs being
17 both gender specific and cultural specific.

18 One program that I am most proud of our is
19 Women for Women in-custody treatment program. I
20 don't know why, but I have a deep feeling for women
21 who have been hurt. Maybe it is because of -- but
22 this program is not presently run because of the
23 perceived budget crisis. We're hopeful. The Mayor
24 supports it, I don't want to say the Mayor doesn't.
25 She has gone out looking for funding from

1 foundations, but hopefully with the money that
2 they've found both the Women for Women program in
3 custody and the men's Fresh Start program will start
4 back up in the jail.

5 Let me tell you about this population.
6 Many of the women who benefit from the program are
7 convicted of city level prostitution. It is a very
8 difficult population because 99 percent of them are
9 cocaine addicted. 33 percent are mentally ill.
10 Minimally, 40 percent were incest survivors. At
11 least 65 percent suffer post traumatic stress
12 syndrome. At the inception of our program, 40
13 percent of these women were HIV positive.

14 All these numbers have remained constant
15 except one. During the whole pendency of the program
16 we have run over the past three years and to the
17 betterment, the good news is the reported HIV has
18 gone down 17 percent which says that we have gone out
19 onto the streets and when they have come in from the
20 streets, we have taken them off the streets, we have
21 helped them and sent them to Mary Hall, they are
22 being productive, they know how to deal with their
23 HIV. The new people who are out there on the streets
24 in drug addiction haven't contracted it yet.

25 That's a 23-percent decrease in the rate

1 of HIV among street level drug addicted prostitutes.
2 Frankly, I think the City of Atlanta deserves a Nobel
3 Prize of medicine. I don't know of anybody else who
4 has dropped those rates like that.

5 The other thing that has happened, though,
6 by our intensive and increased investigation,
7 dividing up these groups of people we have identified
8 that the women who have been driven to the streets by
9 addiction and mental illness but we also identified
10 those persons who simply engage in commercial sex on
11 the streets. I was informed by the police that the
12 sanctions that we have imposed on street level
13 commercial sex convictions virtually eliminated the
14 problem of commercial sex on the streets. People who
15 are still on the streets and who are selling sex, the
16 ones that are left are the drug addicts. People
17 don't come to this town from other jurisdictions
18 anymore and work the streets with pimps to make a
19 living.

20 Let me talk a little about the mental
21 health focus. Our main focus with mental health is
22 dual diagnosis. It is the most difficult diagnosis
23 to treat. We have been a partner in various agencies
24 in bed development, we have advocated and gotten
25 traditional drug treatment providers to expand

1 services to the mentally ill addict. The hardest
2 population to get placed we have worked consistently
3 and doubled and tripled bed spaces in this city.

4 We are currently working with one
5 particular provider to develop a minimum security,
6 100-bed facility with dual diagnosis. That is a huge
7 increase in services to this city. There is probably
8 a good 200 beds altogether. We are going to get
9 another hundred-bed facility. It won't be in the
10 city limits probably, but it will be available to us,
11 to work in conjunction with us. They used our
12 support to get it. It won't cost the city a dime.

13 As you already know, we presently work
14 with NAMI, Grady, the Mayor's Homeless Commission,
15 the Metro Regional Board and the Atlanta Police
16 Department and the Department of Corrections. We are
17 working presently on this diversion protocol that Ms.
18 Sloan talked about. What we are working to do, what
19 we through -- Mr. McDonald has found grants and sent
20 to the police to get the diversion program going
21 where we can have crisis mental health people in the
22 patrol cars at night, where they can do the
23 diversion. We've already arranged with NAMI for Zone
24 5 to be trained in Memphis protocols that they are
25 willing to pay for it. We negotiated that.

1 restorative board. It is based on a model in New
2 England. All probation goes through in one of the
3 state systems in New England. What it is, it brings
4 citizen involvement. You take people who had
5 violated in their community and you send them back to
6 the community and the community sets some of the
7 standards of which you have to meet to be
8 reintegrated and reinvested in the community. What
9 we try to do is not have people alienated but
10 reinvited back on certain terms. It works very well.

11 One of the groups we always send there are
12 the johns that are arrested adjacent to the
13 neighborhood. Those are the people who have violated
14 this neighborhood the worst. We have them all come
15 back to that neighborhood to give back and rebuild.
16 In fact, one of the johns, I believe, just did the
17 whole software computer system for the Pittsburgh
18 civic league. That's how they did their community
19 service, to give back to that nonprofit that was
20 trying to redevelop the neighborhood. So they give
21 back in many ways.

22 We had that one that works with Juvenile
23 Court. So we have the juvenile offenders that we
24 take back, a lot of young offenders primarily. What
25 we do is the people on the reparative boards are the

1 elders of the community, the wisest people there. It
2 brings you with a maternal and paternal group that
3 brings you back in. We do that with the Juvenile
4 Court, too. It has been very successful for them.
5 We have one on the drawing board in Vine City with
6 the U.S. Attorney and his Project Safe Neighborhoods.
7 That is coming up. That will be funded through the
8 Justice Department.

9 And we not only have our partner with
10 Juvenile Court, this time we are very excited about,
11 we are going partnering with the parole board. One
12 of the problems you see in communities, when people
13 come back from prison is they are just backed in the
14 corner, they are just back. But what we are going to
15 do with the cooperation of the parole board is that
16 these people will have to come to that same set of
17 elders and there will be certain things that you have
18 to do. You have to work your way back in. And there
19 is going to be an insistence on working your way back
20 in because we can't have people feeling as outcasts.
21 We have to bring them back. They are not going to
22 keep them in jail all their life.

23 We have a third site that we are ready to
24 start over on Boulevard where we have a grant from
25 the Empowerment Zone, if in fact the Empowerment Zone

1 ever releases the grant money, we will start that
2 one, too.

3 We do daily clean up in the streets,
4 parks, neighborhoods as you have seen and heard from
5 people. We help neighborhoods plan and execute their
6 own neighborhood projects. And the one thing, just
7 one thing that is close to my heart is every
8 Christmas we partner with a nonprofit and we provide
9 a Christmas celebration with gifts and food and
10 prizes for 5,000 underprivileged children and all the
11 community service workers all go down there. They
12 all sit -- we basically run it for them. And my
13 people who come under mandate the first year come
14 back year after year after year because that's what
15 we are about is saying you have these duties and you
16 need to fulfill them. That's what we do.

17 You know, this is the piece that I was
18 talking about duplication. The Mayor wanted to look
19 at duplication of services. You can see by what we
20 do, there is no duplication of services that could
21 ever be involved. There is nobody else in this city,
22 there is nobody else in this state that does the
23 things that we do. And I dare say that they
24 couldn't.

25 The question then becomes are these

1 essential services. That was the next mandate.
2 Well, the VA thinks so. They want all of their
3 veterans to come through our program. NAMI thinks
4 so, they want all the mentally ill to go through our
5 program. Central Atlanta Progress thinks so, they
6 want everybody to go through our program. Georgia
7 State thinks so, they are changing their police
8 department to ensure they can go through our program.
9 But most of all, the citizens that you have heard
10 from, the people who pay the bills, to a person to
11 come up here and told you that we think this is an
12 essential service. This is what we need. There is a
13 good reason for that.

14 Our stats show that 70 percent of the
15 people who are booked into the City of Atlanta
16 detention facility are under the influence of drugs
17 or alcohol at the time of arrest. Their estimates of
18 chronically homeless population of this city have
19 rates of mental illness in excess of 50 percent.
20 That's one out of two that you will see when you walk
21 out tonight that are walking down International. And
22 the addiction rates in that population are in excess
23 of 70 percent.

24 There are estimates that homelessness, the
25 number of homeless people in this city are in excess

1 of 20,000 people. 15,000 of them addicted, 10,000 of
2 them mentally ill. It is not just downtown. They
3 live under the bridges in Buckhead, in Midtown; they
4 live under the rail viaduct at City Hall East; they
5 live in southeast Atlanta, they live in southwest
6 Atlanta, they live in northwest Atlanta and they live
7 right here. It is not a downtown problem, it is a
8 city problem; and you have to address it.

9 The data from Atlanta, City of Atlanta
10 corrections shows that we are basically a single drug
11 city. The corrections department does drug data for
12 the federal government where they take a snapshot at
13 a point in time. We are a cocaine city. We do a lot
14 of cocaine work. But I just met with the folks from
15 the Atlanta Harm Reduction Center about two weeks ago
16 in my office, coming to talk to me about how we are
17 going to deal with heroin. They are telling me that
18 we have 20,000 heroin addicts in Atlanta. And that's
19 not our single cocaine city drug.

20 No one would suggest that you should have
21 a court system that you would give a drug-addicted,
22 HIV positive prostitute a fine or a little time and
23 then just let them go back on the street to either
24 die or kill other people. But it happens. It
25 happens consistently if you are charged with

1 misdemeanor prostitution.

2 Dr. Katkowsky who heads the Fulton County
3 Mental Health, Developmental Disabilities and
4 Addictive Disease Department did a study of the
5 Fulton County Jail. They found that 40 percent of
6 the criminal trespass arrestees at Fulton County were
7 mentally ill. When they go home with their time
8 served, they are still untreated. They are not case
9 managed. They will simply be rearrested.

10 And the final reason it is an essential
11 service is because the mandate is coming. The
12 mandate is already here for the state to do discharge
13 planning out of jails. You cannot simply release
14 people back to the streets. The state already has to
15 do it. It will come to the counties, it will come to
16 the city, we will be ahead of the game. We will have
17 all the resources. Everyone else will scramble to
18 try to find them. You've got a lot to think about.

19 I want to talk a little bit about
20 efficiency and then I want to talk a little bit about
21 cost, then I want to talk a little bit about the
22 issue of where we should go. I know I am at more
23 than four minutes, but I appreciate your time.

24 You have heard from MARTA, you have heard
25 from Lou, no longer Major Arcangeli, you heard from

1 Georgia State. The system is not effective. It is a
2 disincentive system that has been set up. It does
3 not work. It is not efficient for police, may be
4 efficient for prosecutors, but it is not efficient
5 for police and it is a public safety issue when you
6 take police off the streets. We have the most
7 efficient system for keeping police on the street and
8 incenting them to do their job that there is. You
9 will not get that at the county.

10 But there is other things about efficiency
11 because there is no efficiency if you don't have
12 effectiveness. Is a revolving door efficient? It
13 moves people quickly. That is what is at the county.
14 Is rearrest, short term incarceration, release,
15 rearrest, short term reincarceration, release
16 efficient, is it effective, is it a good cost model;
17 it is not. That is the model that is available to
18 you at the county.

19 Can any other system in the future of,
20 say, one year replicate the sophistication of service
21 delivery on any scale, not to mention the scale that
22 we are on. There is no way. There is no way. You
23 should not reinvent the wheel. You should not try to
24 transfer this to a system that does not have an
25 interest in the people of the City of Atlanta to make

1 these things work. We presently deliver a thousand
2 assessments a year. We are one of the biggest
3 assessors in the state. We want to go to three to
4 5,000 assessments every year.

5 I don't know if I even want to talk about
6 cost effectiveness. It is all there. You know,
7 whether we make a hundred thousand or \$800,000 in
8 fines, it really doesn't matter. If we make a
9 million or 2 million in fines, it doesn't matter
10 because if you are going to do any cost study, what
11 you need to look at the real cost analysis of what a
12 bad criminal justice system does to a city.

13 I am sure the Atlanta Convention and
14 Visitors Bureau can tell you the loss of income for
15 every tenth the crime rate goes up in downtown
16 Atlanta. The City of Atlanta makes over, in 2001
17 made over \$34 million in hotel-motel tax alone. The
18 effect of an ineffectual court system that does not
19 deal with all the issues that surround downtown,
20 homelessness, mental illness, drug addiction, will
21 far outstrip any dollar value you can place on
22 putting a lower amount of dollars into these courts.

23 What is the vision. I think I've already
24 answered that. The vision is that we have two or
25 three housing, zoning, environmental court divisions.

1 We know that is coming. We know that the numbers are
2 going up. We know we get more ordinance violations
3 because the United States Attorney just paid for four
4 more solicitors to come to our court and what they
5 envision in their Safe Neighborhoods arrest rates in
6 Vine City. Four solicitors is two divisions.

7 We know there is a downtown task force of
8 Atlanta police officers and I have talked to the
9 major and the major says that they are all going to
10 be booked as ordinance violations to come through a
11 therapeutic system. That entire division, the
12 downtown district is going to be sending them to us.
13 Georgia State starts on March 1st sending their cases
14 to us. We believe that Georgia Tech will follow and
15 we believe that the World Congress Center will
16 follow.

17 We would like to see all of the divisions
18 be therapeutic divisions, at least I would. I don't
19 think there is any opposition to it. But all the
20 divisions that we have do this therapy, do the
21 replication. I am at beyond capacity to take
22 referrals from these people and we know that we are
23 losing. I am touching an eighth, a tenth, a
24 fifteenth of the population.

25 We would like, I would like your

1 commission to say, change the Municipal Court, ask
2 the judges to all go to the therapeutic divisions,
3 including housing. I mean, housing you don't think
4 of as a therapeutic division but you know, we have
5 done therapy there. We had a woman in Buckhead who
6 is psychotic. She was one of those people who kept
7 everything, she couldn't throw anything away. It was
8 all in her front yard, it was right in the middle of
9 Buckhead; and she was not very well. But we went and
10 did a cleanup at her house with her and with her
11 neighbors and with the neighborhood association, but
12 you know what, we brought the psychiatrist with us.
13 And we managed her fear while we were able to do
14 something that was affecting her neighborhood. And
15 we do that with old people who don't have anything
16 anymore; and in the African-American community, we
17 have just a huge number of older women. For some
18 reason, Mr. Sampson, I got a better chance of living
19 longer than you do because the statistics are that
20 African-American men die at the earliest age.

21 I have this whole population of older
22 women who have housing, are living on fixed income
23 that we are engaged in a housing court where they
24 can't do anything about it, they can't fix it. And
25 so what do we do. Do we fine them, do we put them in

1 jail, do we take their houses, do we get them fixed
2 and then try to get the money back from them out of
3 their pension, no.

4 What we do is we contact their church, we
5 contact their neighborhood association, we make it a
6 project for them; and they do the leadership and we
7 bring the people in and we help and we paint and we
8 clean and we get it done and we save those houses for
9 them and they feed us dinner and everybody feels good
10 about doing something for each other.

11 And that's what it takes to make this
12 stuff work. That's what we would like to see you
13 say. Make all the divisions therapeutic, including
14 housing, including zoning, including environment.

15 If you don't want to give all the cases
16 back because you got to send something to the
17 complaint room, send back those cases of cocaine,
18 send back those one-hit cases, that the officers all
19 want to charge as DC-6s, they are being told not to,
20 so we can help those people who are addicts. And
21 send back all those misdemeanors that every group
22 here has said send back to Municipal Court so we can
23 do something with at least 70 percent of those cases,
24 because whether they are charged with simple battery
25 or disorderly conduct Subsection 1, they are still

1 out there in an angry place. Whether they are
2 charged with possession of cocaine or DC-6 there is
3 still an addiction issue. If they are charged with
4 prostitution or idling and loitering which is a city
5 level offense, they are still 99-percent addicted and
6 at least 40 percent of them incest survivors.

7 Don't send them back to the street. Give
8 us a chance to help those people and when we help
9 those people we help the people in the City of
10 Atlanta.

11 Thank you. I will take any questions that
12 you have.

13 MR. ATTRIDGE: Thank you.

14 MR. KADISH: I have one question. I know
15 it is late. If misdemeanor cases came back, what
16 would be the average jail time that would be needed
17 to process the misdemeanor case to the point where it
18 could go into one of the supporting agencies or
19 agencies that you have an affiliation with? Give me
20 some idea of the time that takes.

21 JUDGE RILEY: I can tell you that varies
22 depending on the severity. That varies depending on
23 what your support system is. You know, if your mom
24 and dad show up the next day, or your sister and they
25 talk to my assessment people and they are satisfied

1 that you have a good structured resource that you can
2 go home to and be safe, you will go home with them
3 probably on a signature bond because we don't want
4 the sister and brother to spend their money on a
5 bonding company, we want them to go take care of you.

6 MR. KADISH: So if you have the
7 misdemeanor cases and had your DC, disorderly conduct
8 ordinance cases, and you had your cocaine possession
9 addict cases all going through there, would you fill
10 up the detention center, would the detention center
11 always be filled?

12 JUDGE RILEY: I don't know.

13 MR. KADISH: What do you think?

14 JUDGE RILEY: Well, I think that we work
15 not to do that. Here is the way it works. And this
16 is one of the reasons you can't do it in the county.
17 Treatment is coercive, coercive by its very nature.
18 And except in the homeless population there are a lot
19 of coercive things that happen to get people into
20 treatment, you know, either your wife or your job or
21 your husband or your family or you got arrested or
22 something forces you to treatment. And in the
23 homeless population you don't have a lot of those
24 forcing kinds of things. A lot of these cases have
25 to be tried before you can put them into a treatment

1 place.

2 MR. KADISH: By definition, these type of
3 people who are incapacitated often have to be in
4 detention so you can get to the transition point.

5 JUDGE RILEY: That's true. And if you
6 look at it in terms of cost, costing, unfortunately,
7 is cheaper, cost wise, because I work with these
8 social services people, to hold them in a jail
9 facility than it is in a treatment facility,
10 actually. It costs you for a person to go to Grady
11 13th floor, it costs you \$640 per day. If I can hold
12 you for -- if I can get you over to Grady and get you
13 on meds and get you stabilized it is \$54 a day. At
14 the detention facility it doesn't cost as much. If
15 I can find you a placement and get you out of the
16 treatment facility and still get you stabilized, it's
17 even better. If I have to send you to Georgia
18 Regional, it is \$340 a day. So there are a lot of
19 cost issues. And I don't think you can just cost it
20 out as a criminal justice cost issue because there
21 are cost issues much greater than those kind of
22 issues that are going on.

23 We are spending -- we just sent a woman
24 back to Montana that I imagine the citizens of the
25 city have spent \$300,000 on over the last 12 years

1 that she has been here.

2 MR. KADISH: Is the major who you referred
3 to who you were discussing I guess how these cases
4 are going to be charged as either ordinance
5 violations or --

6 JUDGE RILEY: He's the new major that took
7 Lou's place.

8 MR. KADISH: Is he saying that even though
9 as I understand it the chief has directed these
10 officers not to do that, but to charge, to make the
11 charge the way it should be charged, that is, at the
12 level of law breaking that it is and would usually be
13 charged prior to what the Mayor did on January 6th --

14 JUDGE RILEY: I don't agree with that. I
15 don't agree with that.

16 MR. KADISH: My understanding is wrong?

17 JUDGE RILEY: I think that's correct. I
18 admit that we see huge numbers and have seen for a
19 long period of time huge numbers of DC-6s.

20 MR. KADISH: He is not overriding what the
21 chief is saying.

22 JUDGE RILEY: It is my understanding this
23 is part and parcel of a policy that they are doing in
24 a project on quality-of-life cases in the downtown
25 Zone 5 district. But to say that previously police

1 officers charged at the level of possession of
2 cocaine is inaccurate. I think if you looked at any
3 study you will see large numbers of DC-6s that were
4 cocaine related from forever because of this, the
5 time served pleas have been going on for more than
6 just 30 days, they have been going on for years.

7 MR. KADISH: I just wanted to just clarify
8 that in my own mind.

9 I want to thank you for taking just tons
10 of time from your court to bring us all this valuable
11 information.

12 MR. ATTRIDGE: Thank you, Judge.

13 MS. ROSEBOROUGH: In your recommendations
14 you said make all of the divisions or make the whole
15 court therapeutic. What percentage of it is
16 therapeutic now, just your division?

17 JUDGE RILEY: My division but they pick
18 cases and send them to me. What we try to do is
19 because we have scarce resource when we started
20 development, we couldn't replicate resources in every
21 division. I am already in conversations with the
22 Metro Regional Board for replication of resources for
23 the other divisions.

24 You have to understand that the cost of my
25 division as opposed to any other division is only

1 about a hundred thousand dollars more and I probably
2 deliver anywhere from 5 to 10 to \$15 million in
3 services into the city every year with all the
4 relationships we have with other people. We are
5 already in discussion with some of these people who
6 bring resources to bring the resources to the other
7 divisions. We have a person that is working right
8 now on the matrix of how to go ahead and install
9 these divisions with the resources that are now in
10 place and identify at least some resources that we
11 can bring in on a short-term basis as we wait out the
12 funding cycles to come up.

13 JUDGE CARLISLE: All three divisions
14 of domestic violence are considered therapeutic.

15 JUDGE RILEY: That's right.

16 If the misdemeanors come back, which is
17 where most of the domestic violence is, it is not all
18 felonies unlike what Mr. Baggett thought, almost all
19 domestic cases are charged as misdemeanors in terms
20 of proportion of number of cases. Anything that
21 would be continued would be therapeutic in those
22 courts, too.

23 MS. ROSEBOROUGH: So you think with the
24 return of the cases that you talked about that the
25 volume would be sufficient that the benefit to the

1 city would be to have all of divisions of the court
2 be therapeutic.

3 JUDGE RILEY: I think that there is no
4 question about it, with 20,000 homeless, 20,000
5 heroin addicts, with all these other people that we
6 have talked about. I can't even give you the number
7 of people who are using cocaine in this city.

8 We want to continue to be challenged. You
9 know, the only way to develop a resource is you run
10 the resource to capacity. That's the way you develop
11 resource, that is what we have always done. We have
12 always gone past capacity and we have found ways to
13 develop more.

14 MS. ROSEBOROUGH: Let me thank you for all
15 that you have done, your vision and what you brought
16 to the city in terms of what seems to be a
17 state-of-the-art functioning of our court system and
18 personal appreciation for that.

19 MR. SAMPSON: Just a couple of questions,
20 Judge. I want to echo what has been said. I mean,
21 it is obvious that this community court has touched
22 many lives in a very positive way, the Court speaks
23 for itself. Let me try to understand a couple of
24 things. I understood there were approximately 40
25 staff members, is that at present for community

1 court?

2 JUDGE RILEY: No. I have two people
3 outside of regular court staff. I have 40 agencies.
4 See, the whole --

5 MR. SAMPSON: Those are the affiliations?

6 JUDGE RILEY: No. The affiliates are
7 different from agencies. I have 40 treatment
8 agencies that I refer to. So I can get a treatment
9 modality that is very close to what your need is. If
10 you look at a lot of these drug court kind of models,
11 they have a one size fits all. It doesn't work that
12 way. You know, the good analogy is like -- this is
13 the one that Becky Vaughn from the council on the
14 commission for -- the drug, the substance abuse
15 council, she says, you know, using the wrong kind of
16 treatment is like a woman has breast cancer and they
17 say, well, you know, none of those specialists are
18 available, but I have a good eyes, ears and nose guy.
19 And so you have to have the broad spectrum of
20 treatments to hit where you find these people.

21 MR. SAMPSON: The appropriate provider.

22 JUDGE RILEY: Exactly. That is what we
23 have developed, and we continue to develop because we
24 continue to have gaps. And one of the biggest things
25 we do is to work to fill in gaps. Like that

1 100-person minimum security, that's one of the things
2 that would help to take down jail populations. There
3 is an immediacy that they can take them because they
4 have a history of working with dual diagnoses. I
5 won't have to get them to as low a level or as high a
6 level of functioning to transfer to that new
7 facility. So that's always a targeting. Our view is
8 always the minimum restrictive environment that will
9 help the people be well.

10 MR. KADISH: Judge Graves, can I ask you a
11 question? Does your court have any need at all to
12 feed its cases into a community type of court that
13 Judge Riley is building over at the Municipal Court?

14 JUDGE GRAVES: We have some
15 quality-of-life cases that arise out of traffic.

16 MR. KADISH: What I am saying is if you
17 were to work with the Municipal Court together, could
18 you along with Mr. Drolet and Mr. Riley and his
19 solicitor play together the two courts building a
20 better community court system together? Do you think
21 that would work?

22 JUDGE GRAVES: Certainly it is something
23 we can talk about.

24 MR. KADISH: Just a thought that came to
25 my mind.

1 JUDGE GRAVES: Well, good thought.

2 JUDGE RILEY: I agree. We already work
3 with the City Court on many issues. We share
4 pretrial services to some extent. We share the bond
5 person.

6 JUDGE GRAVES: Right. Bond office.

7 JUDGE RILEY: The bond clerk is situated
8 in their division; pretrial is situated in ours; so
9 we don't replicate. We do a joint community service
10 piece, a lot of people who go out and do community
11 service on weekends are actually City Court persons
12 who are mandated and because we have, we are paying a
13 person to do the supervision, rather than trying to
14 replicate it, the City Courts have to pay another
15 person, we just handle all the paperwork and make
16 sure they all do their community service and report
17 back.

18 There are a lot of services that we have
19 already looked and seen how we could mesh to save
20 dollars and be more efficient. I am sure there are
21 more things, but that was one of the things that the
22 commission asked us to do that we would certainly be
23 amenable to do.

24 MR. ATTRIDGE: This would be, the services
25 that are used together is a very important issue. If

1 you could have someone quantify that would be very
2 helpful to us.

3 JUDGE RILEY: If you would like, I will
4 ask the acting chief judge or the chief judge or
5 whoever to talk to Chief Judge Graves; if they desire
6 for me to go talk, we can present something within
7 the next week, see what other combined services we
8 can do.

9 JUDGE GRAVES: I think we would be willing
10 to enter into that dialog.

11 MR. KADISH: It would create a
12 collegiality between the courts which also would be
13 good.

14 MR. SAMPSON: As I understand it, I think
15 it is a two-fold project, so to speak, those services
16 that are presently being shared as well as those that
17 perhaps could be.

18 JUDGE GRAVES: Right. I can state for our
19 judges on our bench we are willing to enter that kind
20 of dialog.

21 JUDGE RILEY: I will be glad to do that.

22 Is there anything else?

23 Thank you all very much for having us.

24 MR. ATTRIDGE: I want to say on behalf of

25 the task force we really do appreciate the input you

1 gave here. It has been very, very helpful to us.

2 Thank you very much.

3 (Hearing adjourned at 6:30 p.m.)

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1 C E R T I F I C A T E

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3 STATE OF GEORGIA:

4 COUNTY OF FULTON:

5 I hereby certify that the above and
6 foregoing proceedings were taken down, as
7 stated in the caption, and reduced to
8 typewriting under my direction, and that
9 the foregoing pages 1 through 173 represent
10 a true, correct, and complete transcript of
11 said proceedings.

12 This, the 14th day of February 2003.

13

14 RENDA K. CORNICK, CCR-B-909, RPR
15 My commission expires on the
16 24th day of November 2004.

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